PB90-220542

Superfund Record of Decision (EPA Region 2): Forest Glen Subdivision, Niagara Falls, NY. (First Remedial Action) December 1989

(U.S.) Environmental Protection Agency, Washington, DC

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SUPERFUND RECORD OF DECISION
Forest Glen Subdivision, NY
First Remedial Action

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15. Supplementary Notes

16. Abstract (Limit: 200 words)

The Forest Glen Subdivision site consists of 21 acres of developed residential properties and undeveloped land in Niagara Falls, Niagara County, New York. Land in the area surrounding the Forest Glen subdivision is used for residential and industrial purposes, including a mobile home park, small shopping mall, and the CECOS Landfill. Also, northwest of the subdivision is the New Road Landfill, which is currently under investigation by the State. Chemical companies reportedly disposed of wastes onsite from the early 1950s to the early 1970s. Evidence of past waste disposal became apparent in 1973 when utility installation workers encountered resinous and powder-like wastes, drums, and battery casing parts. Residents also encountered wastes on their properties and contacted the county, which responded to complaints regarding drum tops and resinous materials in June 1980. Ten truckloads of a yellow, resin-like material were subsequently excavated and transported to the CECOS Landfill by the property owner at the time. Sampling by EPA's Field Investigation Team revealed the presence of high concentrations of unknown and tentatively identified compounds (TICs) in August 1987, and further soil sampling was conducted to identify the TICs. EPA has executed interim measures to stabilize site conditions including collecting, staging, and securing drums in areas north and east of the subdivision and temporarily covering visibly contaminated soil with concrete. This remedial activity is the first of (Continued on next page)

17. Document Analysis a. Descriptors

Record of Decision - Forest Glen Subdivision, NY
First Remedial Action
Contaminated Media: soil, debris
Key Contaminants: organics (PAHs), metals (lead), other inorganics

b. Identifiers/Open-Ended Terms

c. COSATI Field/Group

18. Availability Statement

19. Security Class (This Report) None

20. Security Class (This Page) None

21. No. of Pages 162

22. Price

(See ANSI-Z39.18)

See Instructions on Reverse

OPTIONAL FORM 272 (4-77)
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EPA/ROD/R02-90/099
Forest Glen Subdivision, NY

16. Abstract (Continued)

two planned operable units and addresses resident relocation only. A subsequent operable unit will address the remediation of site contamination once the relocation is complete. The primary contaminants of concern affecting the soil are organics including PAHs, metals including lead, and other inorganics.

The selected remedial action for this site includes permanently relocating all Forest Glen subdivision residents; sampling and, if necessary, decontaminating, salvaging, or disposing of mobile homes remaining onsite after completion of resident relocation; and implementing site access restrictions. The estimated present worth cost for this remedial action ranges from $4,710,000 to $6,020,000, depending on the relocation options selected. No O&M costs are associated with this first operable unit.

United States
Environmental Protection
Agency

Office of
Emergency and
Remedial Response

PB90-220542

EPA/ROD/R02-90/099
December 1989

EPA

Superfund Record of Decision:

Forest Glen Subdivision, NY

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ATTENTION

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ROD FACT SHEET

SITE

Name: Forest Glen Subdivision

Location: Niagara Falls, N.Y.

HRS Score:

NPL Rank:

ROD

Date signed: 12/29/89

Remedy: Permanent relocation of all site residents; continuation of temporary relocation while permanent relocation is being implemented

Capital Cost: $4.71 - 6.02 million

O & M/Year: $0

Present Worth Cost: $4.71 - 6.02 million

LEAD

EPA Remedial

Primary contact: Lisa Carson, (212) 264-5712

Secondary contact: Gloria Sosa, (212) 264-2110

Main PRPs: Goodyear Tire and Rubber Co.

PRP Contact:

WASTE

Type: Non-TCL Organics

Medium: Soil

Origin: Unauthorized dumping prior to subdivision development

Est. quantity: Unknown

DECLARATION FOR THE RECORD OF DECISION

SITE NAME AND LOCATION

Forest Glen Subdivision Site
Niagara Falls, Niagara County, New York

STATEMENT OF BASIS AND PURPOSE

This decision document presents the selected remedial action for the first operable unit of the Forest Glen Subdivision site, in Niagara Falls, New York, which was chosen in accordance with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) and, to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This decision document explains the factual and legal basis for selecting the first operable unit remedy for this site.

The New York State Department of Environmental Conservation (NYSDEC) concurs with the selected remedy. A letter of concurrence from NYSDEC is appended to this document. The information supporting this remedial action decision is contained in the administrative record for this site. The administrative record index is also appended to this document.

ASSESSMENT OF THE SITE

Actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response action selected in this ROD, may present an imminent and substantial endangerment to public health, welfare, or the environment.

DESCRIPTION OF THE SELECTED REMEDY

This operable unit is the first of at least two operable units for the site. At present, the principal threat posed by the site is to the health of site residents. Therefore, the relocation of site residents comprises the first operable unit which has been accelerated to provide protection of site residents. A future operable unit, which will address the remediation of contamination at the site, will follow. The remedial action for this first operable unit, resident relocation, will eventually result in the clearing of the site to allow access for second operable unit investigations. Long-term management and use of the site, following the completion of future remedial activities, will be the responsibility of the State of New York.

The major components of the selected remedy include the following:

- Permanent relocation of all site residents, which includes the acquisition of land and the movement of existing mobile homes or the acquisition of all real property and purchase of comparable new homes. Also included is an option for individual or group relocation as best meets the needs of the community in accordance with the NCP and all applicable laws, regulations, and standards;

- Continuation of the temporary relocation program during the permanent relocation process;
- Limited property maintenance and site security during the permanent relocation process;
- Sampling and, if required, decontamination of all mobile homes; and
- Salvage or disposal of all mobile homes which are not moved to new locations.

DECLARATION OF STATUTORY DETERMINATIONS

The selected remedy is protective of human health and the environment, complies with federal and state requirements that are legally applicable or relevant and appropriate to the remedial action, and is cost effective. This remedy utilizes permanent solutions and alternative treatment (or resource recovery) technologies to the maximum extent practicable for this operable unit. However, because treatment of the principal threats of the site was not within the limited scope of this action, this remedy does not satisfy the statutory preference for treatment as a principal element. This remedy, permanent relocation of residents, is necessary to protect the public health or welfare, and addresses the principal threat to the health of site residents. Future operable units will address other threats posed by the site and will evaluate treatment of these threats.

Because this remedy will result in hazardous substances remaining on site above health based levels, a review will be conducted within five years after commencement of remedial action to ensure that the remedy continues to provide adequate protection of human health and the environment.

Constantine Sidamon-Eristoff
Regional Administrator

December 29, 1989
Date

DECISION SUMMARY

FOREST GLEN SUBDIVISION SITE

NIAGARA FALLS, NEW YORK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

NEW YORK

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SITE NAME, LOCATION, AND DESCRIPTION

The Forest Glen Subdivision site is located on the border of the City of Niagara Falls and the Town of Niagara in Niagara County, New York. It is approximately one-half mile north of Porter Road and is situated between the Conrail Foote Railroad and a rail car staging area to the west and Interstate 190 and a residential area to the east (See Figures 1 and 2 in Appendix 1).

Land use in the area surrounding the Forest Glen Subdivision consists of mixed residential and industrial areas. A mobile home park (Expressway Village), a small shopping mall, and the CECOS Landfill are located south of the site. West of the railroad is the New Road Landfill which is presently under investigation by the New York State Department of Environmental Conservation (NYSDEC).

The Forest Glen Subdivision site consists of 21 acres of developed residential properties and undeveloped land. An estimated 150 people occupy a portion of the site, the Forest Glen Subdivision, in 51 mobile homes and 2 permanent residences located on approximately 8 acres, which are bordered to the east and north by vacant land. The undeveloped land consists of wooded lots to the east and a large open field to the north. These areas are also being included as part of the study area. East Gill Creek flows to the southwest through the open field to the north where it eventually joins the main branch which flows to the Niagara River.

For the most part, mobile home lots at the site are owned by the residents. The mobile homes at the site have been substantially improved and altered, in part to comply with local codes. Most do not have axles and many residents have added skirts and decks to their residences. The mobile homes at the site are located on Lisa Lane, Carrie Drive, and T-Mark Drive, all of which are within the City of Niagara Falls. The two permanent dwellings are located on Edgewood Drive in the Town of Niagara. Residents of the community include retired citizens and children.

SITE HISTORY AND ENFORCEMENT ACTIVITIES

Based on the review of historical aerial photographs, prior to 1950, the area which is now the subdivision, was wooded and partially divided by East Gill Creek. Sometime during the early 1960's, partial clearing of the area took place and East Gill Creek was rerouted to the northern portion of the site. Unauthorized disposal activities in the area may have begun in the early 1950's and continued during the 1960's and through the early 1970's. It is believed that wastes from area chemical companies were disposed by waste haulers in low-lying areas of the site.

Prior to 1973, portions of the area were owned by Michigan-Mayne Realty, the Power Authority of the State of New York, and three individuals, Ernest Booth, James Strong, and Sanford Brownles. In

1973, the land which now comprises the subdivision was purchased by Thomas G. Sottile, who, with his wife, Betty Sottile, formed Niagara Falls U.S.A. Campsite Inc. Shortly thereafter, the property was subdivided. The development of the property, which included clearing and the installation of roads and utilities, took place during the mid-1970's. The sale of the properties in the Forest Glen Subdivision to individuals began in 1976.

Evidence of past waste disposal was apparent during the installation of utilities which took place as early as 1973. During the installation of sewer and water lines, workers encountered resinous and powder-like waste, drums, and battery casing parts. There is also a history of reports indicating that residents encountered waste on their properties. In June 1980, the Niagara County Health Department (NCHD) responded to a complaint concerning the presence of drum tops and resinous material on the property of a resident living on Lisa Lane. Samples collected by the NCHD indicated that this material was a phenolic resin. Thomas Sottile was ordered by the NCHD in July, 1980 to remove any wastes present at the site to an approved landfill. It was subsequently reported to NCHD that approximately 10 truckloads of a yellow resin-like material were excavated and transported to the CECOS Landfill in Niagara Falls.

EPA first became involved with the Forest Glen Subdivision site in 1987 when both NYSDEC and NCHD brought it to the Agency's attention. On August 6, 1987, as part of an initial site investigation, members of EPA's Field Investigation Team (FIT) collected four soil samples in the northern portion of the subdivision. Analytical results for these samples indicated that volatile and semi-volatile organic chemicals and heavy metals were present at varying concentrations. In addition, numerous tentatively identified and unknown compounds which were difficult to analyze and quantify were noted at considerably higher concentrations. In an effort to determine if these compounds were present at other locations within the subdivision, an expanded site investigation was conducted in September 1988. A total of 63 soil, waste, and sediment samples were obtained at this time to a maximum depth of 3.0 feet. Analytical results for these samples concluded that high concentrations of unknown and tentatively identified compounds (TICs) were present at additional locations in the northern portion of the subdivision.

In a March 9, 1989 Health Consultation, the Agency for Toxic Substances and Disease Registry (ATSDR) classified the Forest Glen Subdivision site as posing a potential health threat to residents. ATSDR did not recommend relocation at that time, but, instead, indicated that TICs should be positively identified so that their health effects could be determined.

On March 25, 1989, EPA issued an Administrative Order, pursuant to Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), requiring that three potentially responsible parties (PRPs), Thomas Sottile, Niagara Falls U.S.A. Campsite Inc., and Ernest Booth, carry out actions to reduce the immediate threat posed by conditions at the site. Based on information available at the time EPA issued the Order, these three parties were viable and potentially responsible for contamination in the residential portion of the site addressed in the Administrative Order. EPA ordered the three parties to secure drums and containers at the site which were leaking or in immediate danger of leaking and to submit a detailed Work Plan to EPA for construction and seeding of a cover to prevent contact with contaminated soil. The Administrative Order also directed that the Work Plan include fencing of the undeveloped areas east of the subdivision on either side of Edgewood Drive and the off-site disposal of all drums and their contents present at the site. To date, the three parties have not complied with the Order.

EPA has since executed interim measures to stabilize conditions and protect the public at the site, including collection, staging, and securing drums of waste that were located in the areas north and east of the subdivision. EPA also installed temporary fencing around areas of suspected contamination in the two wooded areas north and south of Edgewood Drive. In addition, an area where contaminants were visibly observed in surface soils was temporarily covered with concrete.

In April 1989, EPA resampled approximately fourteen of the locations that previously exhibited the highest concentrations of compounds. An air sampling program was also implemented in April 1989 and included the collection of samples of ambient air at locations throughout the subdivision and beneath several mobile homes and from the basement of one permanent residence. The air sampling activities did not identify any of the target compounds, however, several compounds were detected that appeared to be originating from an upwind source.

In June 1989, the analysis of the soil samples collected in April of the same year positively identified aniline, phenothiazine, mercaptobenzothiazole, and benzothiazole. Based on this information, on July 21, 1989, ATSDR issued a Preliminary Health Assessment for the Forest Glen Subdivision which indicated that the site poses a significant threat to public health because of possible contact with contaminated soils and wastes and advised that immediate action be taken to relocate residents of the entire subdivision beginning with the most contaminated areas. On June 22 and 23, 1989, the New York State Department of Health (NYSDOH) conducted an exposure survey at the Forest Glen Subdivision. In that survey, 39 people from 23 households reported having contact with chemical wastes, and 45 people reported health problems that they believed were associated with chemicals on the site. NYSDOH is continuing more detailed follow-up health surveys at the site.

On July 26, 1989, EPA, in conjunction with the Federal Emergency Management Agency (FEMA), began a program which provides for the temporary relocation of residents from the Forest Glen Subdivision. To date, approximately 28 families have agreed to temporary relocation. The temporary relocation program includes provision of child care during daytime hours. Security, winterization, and maintenance of vacated properties are also being provided. EPA and FEMA maintain offices at the site.

EPA has compiled a more complete list of PRPs for the Forest Glen Subdivision site. This list includes Goodyear Tire and Rubber Company, Carborundum Company, E.I. du Pont de Nemours and Company, International Paper Company, Occidental Chemical Company, U.S. Forms Division, Allied-Signal Inc., Union Carbide Corporation, Olin Corporation, Great Lakes Carbon Corporation, Hasely Trucking Company Inc., Walter S. Kozdranski Company, Inc., New York Power Authority, Thomas G. Sottile, and Niagara Falls U.S.A. Campsite Inc. These parties have been notified as to their status as PRPs. EPA is currently continuing negotiations with these PRPs. On November 29, 1989, EPA issued special notice to the PRPs pursuant to Section 122 of CERCLA. A sixty day moratorium on EPA implementation of remedial action at the site was initiated by the issuance of the special notice.

HIGHLIGHTS OF COMMUNITY PARTICIPATION

EPA has had extensive involvement with the community at the Forest Glen Subdivision. In addition, to holding several public availability sessions, EPA and FEMA have maintained offices at the site. The Focused Feasibility Study (FFS) report and the Proposed Plan for the Forest Glen Subdivision site were released to the public for comment on November 17, 1989. These two documents were made available to the public in the administrative record, which was located at the EPA trailer at the site, at EPA's Region II office in New York City, and at information repositories maintained at the EPA Public Information Office in Niagara Falls and at the NYSDEC offices in Albany and Buffalo. The notice of availability for these two documents was published in the Niagara Gazette on November 17, 1989. A public comment period on the documents was held from November 17 to December 18, 1989. A public meeting was held on November 30, 1989. At this meeting, representatives from EPA and FEMA answered questions about problems at the site and the remedial alternatives under consideration. In addition, EPA and FEMA representatives attended a separate meeting on November 30, 1989 in which interested residents and consultants presented proposals for group relocation. A response to the comments received during the public comment period is included in the Responsiveness Summary, which is appended to this Record of Decision (ROD).

SCOPE AND ROLE OF OPERABLE UNIT WITHIN SITE STRATEGY

As with many Superfund sites, the problems at the Forest Glen Subdivision site are complex. As a result, EPA has organized the remedial work into at least one emergency action and at least two remedial actions. This ROD addresses the first planned remedial action at the site.

In July, 1989, EPA initiated an emergency action at the site which consisted of temporary relocation of site residents. At present, approximately twenty-eight families in the subdivision have agreed to temporary relocation. This first operable unit remedial action supplements the ongoing emergency action and addresses the threat posed to site residents through permanent resident relocation from the site. A future operable unit will be initiated once the permanent relocation process is underway which will more fully assess the nature and extent of site contamination and analyze alternatives for remediation of the site. The remediation of the site will be the subject of a future ROD.

SUMMARY OF SITE CHARACTERISTICS

On August 6, 1987, EPA conducted an initial site inspection at the Forest Glen Subdivision. Several of the soil and waste samples collected at that time showed elevated levels of volatile organics and polyaromatic hydrocarbons (PAHs), including anthracene, pyrene, and benzo(b)fluoranthene. In addition, aniline was detected in one sample at 230 ppm. Aniline is classified as a probable human carcinogen and several PAHs are classified as potential human carcinogens. Elevated levels of lead and mercury were also detected in 2 samples. Of particular interest were tentatively identified compounds (TICs) which were detected at very high levels in the samples. These TICs included benzothiazole, benzothiazoline, phenothiazine, molecular sulfur and several PAHs. Because of the presence of TICs at high concentrations, the difficulty encountered in identifying the TICs, and the potential threat posed by direct contact or inhalation of these contaminants, EPA decided to resample the site.

On September 27-29, 1988, 40 soil/sediment and 23 solid waste samples were collected as part of an expanded site inspection. A summary of analytical results from these samples is given in Table 1 in Appendix 2. Again, several soil samples showed evidence of contamination with volatile, inorganic, and semi-volatile contaminants, including PAHs. Contamination was found in the undeveloped areas north and east of the site, posing an additional potential direct contact threat to residents. Several of the samples of waste from the site were contaminated with PAHs. Again, a number of TICs were found across the site. The identity of the TICs could not be positively established through conventional analytical methods.

On April 13, 1989, seven soil and seven solid waste samples were collected from locations previously sampled in September, 1988 for identification of TICs. Analyses were performed to confirm the presence of aniline, benzothiazole, and phenothiazine (see Table 2 in Appendix 2). In addition, 2-mercaptobenzothiazole, benzothiazolone, and elemental sulfur were positively identified by matching spectra and gas chromatograph retention times with those of standards. Benzothiazole and mercaptobenzothiazole may cause allergic contact dermatitis. Finally, 2-methylbenzothiazole, 2-methylthiobenzothiazole, 2-methyl-N-phenylbenzenamine, N-N'-diphenyl-1,4benzendiamine, and N-phenylformamide were tentatively identified in several samples. Samples which were analyzed were extremely contaminated. In a few cases, nuggets and minute pockets of almost pure waste were seen by the operator, causing problems with concentrating several samples.

On May 22, 1989, 55 soil samples were collected from the site. Although subsequent analyses did not indicate the presence of volatile organics or semi-volatile organics, several targeted compounds were identified in the samples including benzothiazole, 2-mercaptobenzothiazole, aniline, N-nitrosodiphenylamine, perylene, and benzothiazolone. It was noted during analysis that the compound N-nitrosodiphenylamine was indistinguishable from diphenylamine in the gas chromatography/mass spectrometry analysis.

In order to confirm that the analyte n-nitrosodiphenylamine was not present, samples of waste were shipped to EPA's laboratory in Cincinnati, Ohio and to the Food and Drug Administration laboratory in Las Vegas, Nevada. The results of these analyses confirmed that n-nitrosodiphenylamine was not the compound present and that diphenylamine was the compound of concern.

Based on the results of these sampling events and on historical aerial photographs of the area, EPA concluded that the northern area of the site was used for unauthorized disposal of industrial wastes and that subsequent activities associated with the development of the site may have dispersed contamination throughout the residential area of the site. ATSDR concluded, in its July 21, 1989 Health Assessment, that residents could be exposed to these contaminants, which included carcinogens and noncarcinogens, through contact with contaminated surface and subsurface soil.

On August 1, 1989, indoor samples were taken from all residences in the Forest Glen Subdivision. These included composite wipe samples, loose "dust ball" sampling, and composite vacuum samples. The goals of this sampling were to determine whether or not contamination from the site had been transported into the sampled houses and whether personal property required replacement or cleaning. Samples were taken using a biased sampling approach which oversampled those areas most likely to be contaminated, such as dust balls, high traffic areas, or areas containing the greatest amounts of dust. Benzothiazole was detected at low ppm levels in several dust ball samples and at fractional microgram per square foot levels in a substantial number of wipe samples. No other compounds were present at detectable levels.

SUMMARY OF SITE RISKS

On March 9, 1989, ATSDR issued a Health Consultation for the Forest Glen Subdivision site. Based on the information available at that time, ATSDR classified the Forest Glen Subdivision site as posing a potential health threat to residents. On July 21, 1989, ATSDR revised its previous conclusions and issued a Preliminary Health Assessment for the Forest Glen Subdivision site. This Preliminary Health Assessment is the basis for EPA's determination that site conditions pose a risk to residents of the site.

Contaminants of Concern

The following contaminants of concern in site surface and subsurface soils were considered by ATSDR in formulating its Preliminary Health Assessment for the Forest Glen Subdivision site: aniline, phenothiazine, benzothiazole, mercaptobenzothiazole, and PAHs.

Exposure Assessment Information

In its Preliminary Health Assessment, ATSDR identified several pathways which could result in residential exposure to contaminants at the site. The primary routes of exposure at the site are related to the contaminated surface and subsurface soils at the site. These pathways include direct ingestion, dermal contact, inhalation, or dermal absorption. Residents might be exposed to buried wastes at the site during gardening, construction, excavation, or other activities which disturb the soil cover at the site. Because ground water monitoring wells have not been installed at the site, ATSDR could not evaluate potential ground water contamination. Although the site is supplied with public water, ATSDR identified ingestion of contaminated drinking water as a potential threat at the site. This is because on previous occasions, lateral connections from the public water supply lines to some residences have deteriorated, possibly due to corrosion. ATSDR determined that, at the present time, the potential for surface water and sediment contamination through erosion is moderate because of existing soil cover and vegetation on the site. Additional sampling is required to determine whether contaminated sediment and surface water are of concern at the site. ATSDR could not determine whether contaminants were being ingested in home gardens. Based on EPA air sampling data, there is currently no evidence of residential exposure via inhalation of ambient air.

Toxicity Assessment Information

ATSDR evaluated the health implications of exposure to several chemicals detected in site soil, including aniline, phenothiazine, benzothiazole, mercaptobenzothiazole, and PAHs. Of these chemicals, aniline is classified as a probable human carcinogen and PAHs are classified as potential human carcinogens. Occupational exposure to aniline has resulted in elevated concentrations of methemoglobin in the blood which can lead to cyanosis and asphyxia. Phenothiazine exposure has resulted in skin sensitization and may precipitate allergic contact dermatitis. Benzothiazole and mercaptobenzothiazole may cause allergic contact dermatitis. Based on this information and on the high concentrations of these chemicals found in surface soils, all of the above compounds are considered contaminants of concern at the present time.

Risk Characterization Information

ATSDR determined that residents of the subdivision might be exposed to significant levels of contamination during normal work or play activities, and that the risk of exposure to contaminants might be increased by on-site remedial or removal operations. In addition, ATSDR documented the potential for contamination of the public water supply if buried wastes cause deterioration of water supply lines. Finally, ATSDR determined that subsidence of the fill underlying parts of the site posed a potential physical hazard as well as a potential health threat because of the potential for a release of hazardous gases to the environment. ATSDR recommended that residents be relocated from the Forest Glen Subdivision site until the finding of a significant risk to human health is shown to be unfounded and/or the significant risk to human health has been eliminated or substantially mitigated.

Actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response action selected in this ROD, may present an imminent and substantial endangerment to public health, welfare, or the environment.

DESCRIPTION OF ALTERNATIVES

The Forest Glen Subdivision site Focused Feasibility Study of Relocation Options (FFS), released for public comment on November 17, 1989, evaluates, in detail, three alternatives for relocating residents from the site. These alternatives are summarized below.

Alternative 1: NO ACTION

Present Worth Cost: $2,050,000 (estimate)
Months to Implement: None

EPA is required to analyze a no-action alternative as part of the Feasibility Study process to provide a basis of comparison to be used in evaluating other alternatives. The no-action alternative presented here assumes that no further action takes place at the site to protect the health of site residents. Under the no-action alternative, the temporary relocation which is currently being offered to residents would be ceased and residents that have not been relocated would remain living on the site. At present, approximately one-half of the Forest Glen Subdivision residents have agreed to temporary relocation. Temporary relocation of all residents would cease in April 1990 after the expiration of the temporary relocation program currently being implemented under EPA emergency authorities.

Under the no-action alternative, no actions would be taken in the short-term to mitigate the potential threat to residents. Residents would continue to be exposed to contaminated soil and the migration of contaminants from the site would continue. Potential methane gas generation and subsidence of the landfill would not be addressed. In addition, Gill Creek would continue to be a potential contaminant migration pathway to the Niagara River.

This remedy could be implemented immediately and would require no time to complete. The costs associated with this alternative would include those for monitoring and review of the site and the money set aside, to date, for interim measures such as fencing, site cover, and drum removal and temporary relocation of residents through April 1990.

ARARS

There are no ARARs associated with this alternative.

Alternative 2: CONTINUED TEMPORARY RELOCATION OF RESIDENTS

Present Worth Cost: $5,717,000 - $11,065,000 (estimates)
Months to Implement: 60 to 120 (estimates)

Under this alternative, EPA would continue to offer temporary relocation to residents at the site through FEMA until such time as residents could move back to the site. At present, approximately one-half of the families in the Forest Glen Subdivision have agreed to temporary relocation. Under this alternative, EPA and FEMA would continue to offer temporary relocation to those residents who have not yet agreed to relocation. For purposes of cost estimation, it is assumed that all residents are temporarily relocated for a period of five to ten years.

The site would be fenced and secured to prevent trespassing after temporary relocation of residents was completed. In addition, a program of site security and property maintenance would be required to ensure against vandalism, theft, and deterioration of the homes at the site.

As it is currently being implemented, FEMA provides assistance to individuals who are being displaced from their primary residence. The program allows individuals to relocate by covering reasonable expenses which are additional to expenses incurred prior to displacement. Although assistance varies with individual need, typical types of assistance offered to date include temporary housing, subsistence payments, rental furniture, a utility subsidy, utility connection costs, expenses for transportation of household goods, decontamination and/or acquisition of personal property, and kennel costs.

This alternative is estimated to cost between $5,717,000 (five years temporary relocation) and $11,065,000 (ten years temporary relocation). The majority of these costs result from the rental of replacement residences and the maintenance and security of residences during the period after resident relocation has occurred.

ARARs

There are no environmental laws associated with this alternative. However, the major guidelines associated with federal implementation of this alternative are the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and its implementing regulations at 40 CFR 4.1 et seq.

Alternative 3: PERMANENT RELOCATION OF RESIDENTS

Present Worth Cost: $4,705,000 - $6,023,000 (estimates)
Months to Implement: 12 - 18 (estimate)

Under this alternative, EPA, in conjunction with FEMA and the State of New York, would permanently relocate all residents from the Forest Glen Subdivision site. FEMA administers permanent relocation activity under Superfund in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended. This act provides for uniform and equitable treatment of persons displaced from their homes by federal programs.

Under FEMA, permanent relocation projects are carried out in two phases: property acquisition, in which residents are compensated for the value of real property which is being acquired, and relocation assistance, in which residents are assisted in identifying and moving into replacement residences. EPA has evaluated two options for property acquisition (acquisition of land and moving mobile homes, and acquisition of all real property) and two options for relocation assistance (individual relocation and group relocation).

Property Acquisition

The property acquisition phase may include acquisition of land or land and homes because several of the homes in the subdivision are mobile and others are not. All residents at the site would be relocated. Relocation would include the acquisition of developed land at fair market value, as will be explained below. Mobile homes at the site would be acquired or, depending on resident preference and feasibility, moved to a new location.

Option A: Acquisition of Land/Movement of Existing Mobile Homes

Based on resident preference and other considerations, mobile homes at the site could be moved to a new location. Mobile homes which are to be moved would be tested to determine the extent of chemical contamination and the feasibility of moving the home. If the home was found to be uncontaminated or was able to be decontaminated and was in good structural condition and if it proved economically favorable to do so, only land would be acquired and the home could be moved to a new site. If the home was found to be contaminated such that it could not be economically cleaned or if it was found to be structurally impaired so that moving the home would be impractical, the home would be purchased and the residents assisted in locating replacement housing.

Option B: Acquisition of All Real Property

For those residents who do not wish to move their mobile homes, both land and home would be acquired. All real property in the Forest Glen Subdivision would be appraised in accordance with Department of Justice standards to determine its fair market value. Based on fair market value of the property, an offer to purchase would be made to each property owner. This offer could be accepted or contested by the property owner who would present evidence substantiating his or her reasons for contesting the offer. When agreement is reached, the property owner would receive the agreed upon amount less any encumbrances on the property.

Residents would be offered just compensation for any real property to be acquired. Property would be appraised disregarding any decrease in the fair market value of the real property caused by chemical contamination at the site. In addition, under Option A, acquisition of land/movement of existing mobile homes, or Option B, acquisition of all real property, residents would be reimbursed for the replacement of personal property which EPA determined to be immobile or which was not able to be decontaminated.

General Information on Property Acquisition

EPA and FEMA would continue to offer temporary relocation to residents until permanent relocation could be completed. As will be explained below, FEMA would assist residents in locating replacement residences and in moving to those residences or in moving homes to replacement lots.

During permanent relocation activities, the site would be secured to prevent trespassing. In addition, a program of site security and property maintenance would be required to ensure against vandalism, theft, and deterioration of the homes at the site while permanent relocation activities were ongoing. This program would continue until permanent relocation was completed and real and personal property remaining at the site were either disposed of or salvaged.

Following the permanent relocation of all residents, the site would be fenced and secured to prevent trespassing. Real and personal property remaining on-site would be decontaminated, if necessary. Following successful decontamination, property would be disposed of or salvaged. Title to all properties acquired during the permanent relocation would be transferred to the State of New York following the completion of remedial actions at the site, as required by law. Field work for the second operable unit would begin once permanent relocation was completed and the site was sufficiently cleared to allow access for sampling activities.

Resident Relocation

In the resident relocation phase of this alternative, residents would be offered assistance in locating and/or moving to replacement residences or in moving mobile homes to replacement lots. Based on input from residents at the site, EPA has included two options under the relocation phase of this alternative.

Option C: Individual Relocation of Residents

Under Option C, households would be relocated on an individual basis according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. In the relocation phase, FEMA would provide assistance to individuals in locating replacement homes or replacement lots. Additional information on the types of relocation assistance available are discussed in the section below entitled, "General Information on Resident Relocation."

Option D: Group Relocation of Residents

Under Option D, residents would be relocated to a new neighborhood in circumstances which are comparable to conditions in the Forest Glen Subdivision. Residents would either move their existing mobile homes or would purchase new comparable housing. Because of the number of residents involved, this option could include purchasing, subdividing, and developing a parcel of land so that individual lots could be comparable to those in the Forest Glen Subdivision.

Although this option has been termed "group relocation" by the residents and EPA, actual moving payments and relocation assistance would be provided on an individual basis. The amounts of any payments for relocation assistance would be determined for each individual household in the same manner as for Option C. Therefore, the amounts of these payments would depend on the individual circumstances of each homeowner before and after relocation as explained in the next section.

At present, EPA and FEMA are investigating ways in which the federal government could assist interested residents in implementing group relocation. Residents might require assistance in rezoning or in obtaining zoning variances and/or in engaging a developer. EPA would work with the community to determine the other types of support required to implement group relocation.

General Information on Resident Relocation

Under either Option C, individual relocation of residents, or Option D, group relocation of residents, the types and amounts of relocation assistance available are governed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. Eligible individuals could receive: compensation for the added cost of a comparable replacement dwelling; a payment to offset any increased mortgage interest costs; a payment for those reasonable costs connected with the purchase of a replacement dwelling; limited moving costs; rental assistance; information on the availability of suitable replacement housing; assistance to help overcome any discriminatory practices that may be encountered in obtaining housing of choice; inspection of replacement housing to insure that the property is decent, safe, and sanitary; assistance in filling out claim forms; counseling about other sources of assistance that may be available; and such other help as may be appropriate.

Implementation of this remedy would take approximately 12 - 18 months. This alternative is estimated to cost between $4,705,000 and $6,023,000. This range represents the minimum and maximum costs for permanent relocation based on the options discussed above. EPA and FEMA would work with residents to determine the option which best suits the circumstances of each resident.

These costs are somewhat higher than the costs presented in the Forest Glen Subdivision Proposed Plan published on November 17, 1989. Based on public input and other information presented to EPA, the estimate of the cost of acquiring an individual lot in the Forest Glen Subdivision has been increased approximately 210% and the cost estimates for the acquisition of mobile and permanent homes have been increased approximately 30% - 40%. These increases have, in turn, raised the overall cost range of Alternative 3 by approximately 11% - 12%. In addition, the estimated implementation time for permanent relocation has been modified to a range of 12 to 18 months to reflect the additional time which may be required to implement group relocation. These increases, reflected in this ROD, were not considered significant changes by EPA.

ARARs

There are no environmental laws associated with this alternative. However, the major guidelines associated with federal implementation of this alternative are the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and its implementing regulations at 40 CFR 4.1 et seq. Depending on the options implemented during permanent relocation, State or local zoning or subdivision laws may also be applicable to this action.

SUMMARY OF COMPARATIVE ANALYSIS OF ALTERNATIVES

This section of the ROD profiles the performance of the three alternatives discussed above against EPA's nine evaluation criteria. This evaluation is the basis for EPA's selection of an alternative for the relocation of residents from the Forest Glen Subdivision site.

Overall Protection of Human Health and the Environment

Alternative 3, permanent relocation, is protective of human health. The protectiveness of Alternative 2 may vary since temporary relocation would be a voluntary program. Both alternatives provide protection by eliminating the pathway for exposure to residents and the public. Alternative 1, no action, is not protective because residents would remain on the site and there would be the potential for continued exposure to site contaminants.

Compliance with Applicable or Relevant and Appropriate Requirements (ARARs)

There are no environmental laws associated with any of the alternatives; however, Alternatives 2 and 3, temporary and permanent relocation, comply with all identified federal relocation requirements. Therefore, no ARAR waivers would be required. Alternative 1 has no ARARs.

Long-term Effectiveness and Permanence

Alternative 2, temporary relocation, and Alternative 3, permanent relocation, are both effective in the long term provided there is 100% resident participation in both programs. However, Alternative 2 relies on continuance of the temporary lodging arrangements made by EPA and on continued support by residents, which is unlikely over a period of five to ten years. In addition, the long-term effectiveness of Alternative 2 is only assured if site can be remediated such that future risks to residents can be mitigated.

If this is not the case, residents will have to be permanently relocated to assure long-term effectiveness. Alternative 3 does not have such constraints. Therefore, the degree of long term management of relocation efforts is less for Alternative 3 than for Alternative 2. All of the alternatives would require a review of the site at least every five years. This requirement will be met through subsequent investigations at the site. Both Alternative 2, temporary relocation, and Alternative 3, permanent relocation, also require site security and fencing to minimize future exposure to site contaminants by trespassers.

Alternative 1, no action, is not effective in the long term since the potential risk to remaining residents would still exist.

Reduction of Toxicity, Mobility, or Volume Through Treatment

None of the alternatives being considered utilize treatment. Remediation of the site, including the need for treating contamination at the site, will be considered in a future operable unit.

Short-Term Effectiveness

Alternative 2, temporary relocation, and Alternative 3, permanent relocation, are protective in the short-term provided the same number of residents agree to temporary relocation under both alternatives. This is because, under both alternatives, temporary relocation could be implemented immediately through FEMA and because EPA would continue to offer temporary relocation to residents until permanent relocation is complete.

Implementability

In the short-term, Alternative 2, temporary relocation, is potentially most easily implementable because it is a continuation of temporary relocation activities currently being conducted at the site. However, if some residents continue to resist temporary relocation, the implementability of Alternative 2 could be completely eliminated. In addition, if it is later determined, through the second operable unit Remedial Investigation and Feasibility Study (RI/FS), that on-site source materials could not be removed or treated to eliminate the risk to site residents, the implementability of this alternative would be very low since permanent relocation would then be required.

Alternative 3, permanent relocation, is expected to be easily implementable since an Interagency Agreement between EPA and FEMA for FEMA assistance with permanent relocation is currently in place. Resident cooperation is essential to the implementation of both Alternatives 2 and 3. In addition, in the case of Alternatives 2 and 3, future investigations and actions at the site would be very easy to undertake since relocation of residents would provide unlimited access to the site.

There is no need to consider implementability for Alternative 1, no-action. This alternative would not facilitate any future remedial work at the site.

Cost

Depending on the options selected under Alternative 3 and the duration of temporary relocation activities under Alternative 2, either Alternative 3, permanent relocation or Alternative 2, temporary relocation, would be the least costly of the action alternatives considered. In some cases, the potential cost differences between Alternatives 2 and 3 could be insignificant. However, the cost of Alternative 2 is very sensitive to changes in the assumption that residents would be temporarily relocated for five to ten years. In addition, the costs of Alternative 2 would increase significantly if it is later determined, through the second operable unit RI/FS, that on-site source materials could not be removed or treated to eliminate the risk to site residents. In this case, residents would have to be permanently relocated after several years of temporary relocation and the costs associated with Alternative 2 could potentially double.

The costs associated with Alternative 1, no action, are $2,050,000. The costs associated with Alternative 2, temporary relocation are between $5,717,000 and $11,065,000. The costs associated with Alternative 3, permanent relocation, are between $4,705,000 and $6,023,000.

State Acceptance

An alternative that does not provide for the permanent relocation of all residents would not be acceptable to the State.

Community Acceptance

Community acceptance will be judged after formal comment on these alternatives. However, some residents of the Forest Glen Subvision have refused offers of temporary relocation in the past and have indicated they will do so in the future. Other residents have indicated that they will accept temporary relocation only as an interim measure while permanent relocation is being implemented. In addition, several residents strongly support Alternative 3, Option D, permanent group relocation, and have indicated that they are unwilling to accept permanent relocation unless it includes group relocation. Other residents have expressed a preference for Alternative 3, Option C, individual relocation.

SELECTED REMEDY

EPA has selected Alternative 3, permanent relocation, as the relocation alternative for the Forest Glen Subdivision residents. Within Alternative 3, EPA prefers an option that would include a combination of individual relocation and group relocation to best meet the needs of the community in accordance with the National Contingency Plan and all applicable laws, regulations, and standards.

Under Alternative 3, all residents of the site will be permanently relocated from the site. This will result in the elimination of all risks to the residents posed by the site. Temporary relocation will continue while the permanent relocation process is being implemented to mitigate short-term risks to the residents. In addition, Alternative 3 includes sampling and, if required, decontamination of the mobile homes at the site. Mobile homes which are not moved to new locations will be salvaged or disposed and the site will be fenced and secured.

The costs associated with Alternative 3, permanent relocation, are itemized in Tables 3 through 8 in Appendix 2. Some modifications may be made to the selected remedy as a result of the planning activities which will be performed prior to the permanent relocation and as a result of the implementation of the permanent relocation process.

STATUTORY DETERMINATIONS

This section of the ROD describes how the selected remedy, permanent relocation, meets the statutory requirements of Section 121 of CERCLA.

Protection of Human Health and the Environment

The selected remedy, permanent relocation, is necessary to protect the public health or welfare, and will protect the health of residents by permanently removing them from the source of contamination. Thus, the risk to the residents' health will be essentially eliminated. While the permanent relocation process is being implemented, the risk to residents will be eliminated through the use of temporary relocation. During the permanent relocation process, the site will be secured to reduce risks to non-residents. Once the permanent relocation process is substantially complete, the site will be fenced and security will be maintained to protect human health.

Compliance with Applicable or Relevant and Appropriate Requirements

The selected remedy will comply with all federal and any more stringent state requirements that are applicable or relevant and appropriate to this action. Although there are no environmental laws associated with this alternative, the major action-specific guidelines associated with federal government implementation of this alternative are the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and its implementing regulations at 40 CFR 4.1 et seq. Depending on the options implemented during permanent relocation, State or local zoning or subdivision laws may also be applicable to this remedial action.

Cost Effectiveness

The selected remedy affords overall effectiveness proportionate to its costs. Based on the order of magnitude cost estimates prepared by EPA, the range of costs associated with the selected alternative, permanent relocation, is considerably less than that of temporary relocation. Even if temporary relocation concluded after five years, the costs of temporary relocation would be roughly equal to the highest cost estimate for permanent relocation. This, in combination with the fact that the long-term effectiveness and implementability provided by permanent relocation are higher than those for temporary relocation and the fact that the community strongly prefers permanent relocation warrant any potential additional costs associated with the selected alternative.

Utilization of Permanent Solutions and Alternative Treatment Technologies to the Maximum Extent Practicable (MEP)

The selected remedy, permanent relocation of site residents, utilizes permanent solutions and alternative treatment technologies to the maximum extent practicable. However, because the selected remedy addresses the immediate threat to the health of residents, it includes relocation only and no treatment of wastes. The use of treatment for site wastes will be addressed in a future operable unit.

Permanent relocation assures protection of human health and is most effective in the long term because the health of residents would be protected regardless of the type of remediation which is performed at the site in the future. Although it will require approximately one to one and one half years to implement, the short-term effectiveness of Alternative 3 is increased if residents agree to temporary relocation while permanent relocation is being implemented. In addition, Alternative 3 is more implementable in the long term since it does not require indefinite temporary relocation of families. Finally, the range of costs of permanent relocation is considerably less than that of Alternative 2, temporary relocation. In fact, the high cost estimate associated with permanent relocation roughly equals the lowest cost estimate associated with temporary relocation. Long-term effectiveness and implementability were the most decisive factors in EPA's selection of Alternative 3, permanent relocation. Both the State and the community strongly preferred permanent relocation.

Preference for Treatment as a Principal Element.

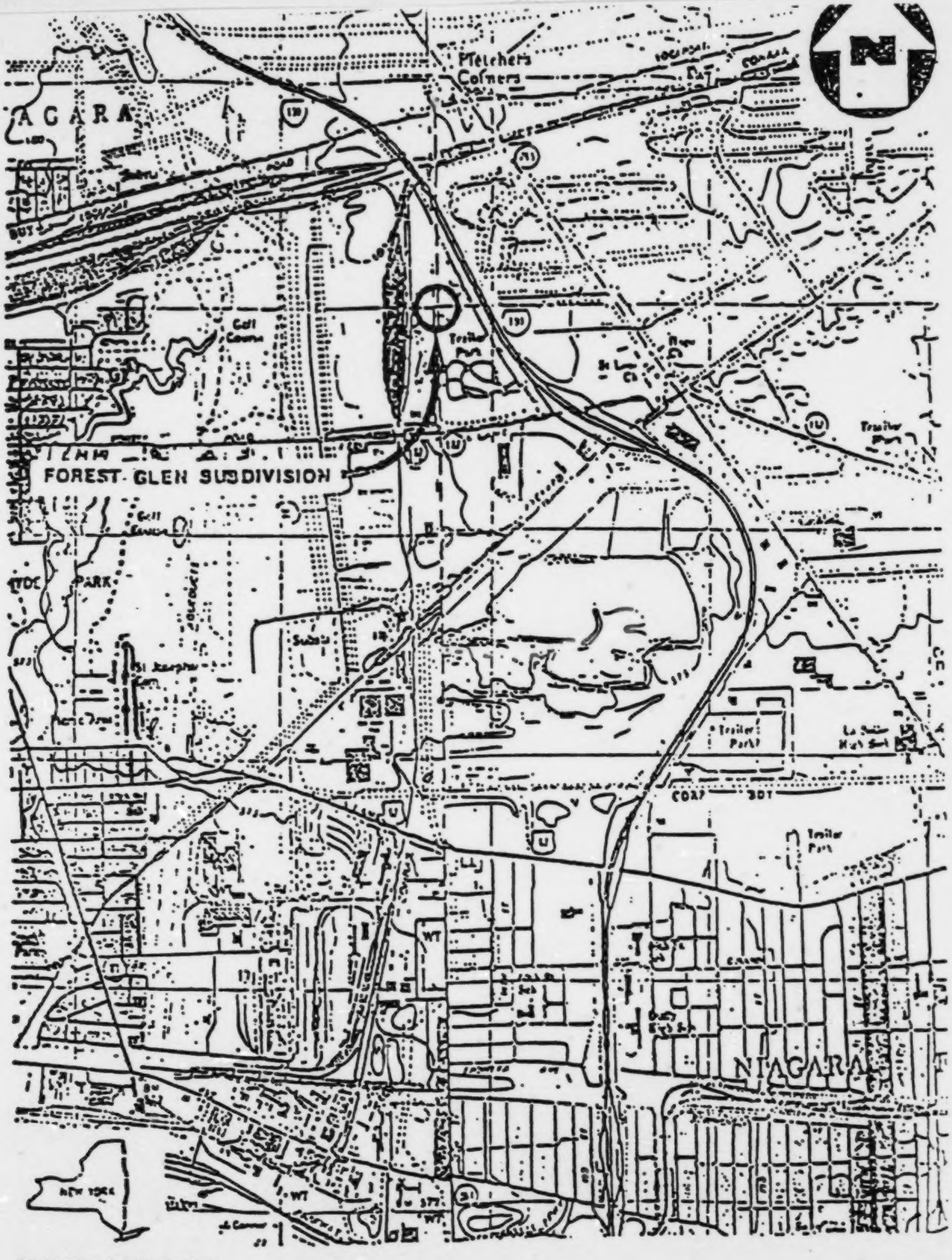
The preference for treatment as a principal element of this remedy is not satisfied. Treatment is not within the limited scope of this relocation action. The possible use of treatment to address the principal threats posed by this site will be addressed in future operable units.

DOCUMENTATION OF SIGNIFICANT CHANGES

Alternative 3, permanent relocation, was the preferred alternative identified by EPA in the Forest Glen Subdivision site Proposed Plan released for public comment on November 17, 1989. No significant changes were made to the selected remedy from the date the Proposed Plan and FFS were released for public comment and the date of this ROD.

APPENDIX 1

FIGURES


N
Fletchers Corners
AGARA
FOREST GLEN SUBDIVISION
Golf Course
Trailer Park
PARK
NIAGARA
NEW YORK

QUAD: NIAGARA FALLS

FIGURE 1
FOREST GLEN SUBDIVISION, NY
LOCATION MAP

SCALE: 1" = 2000'

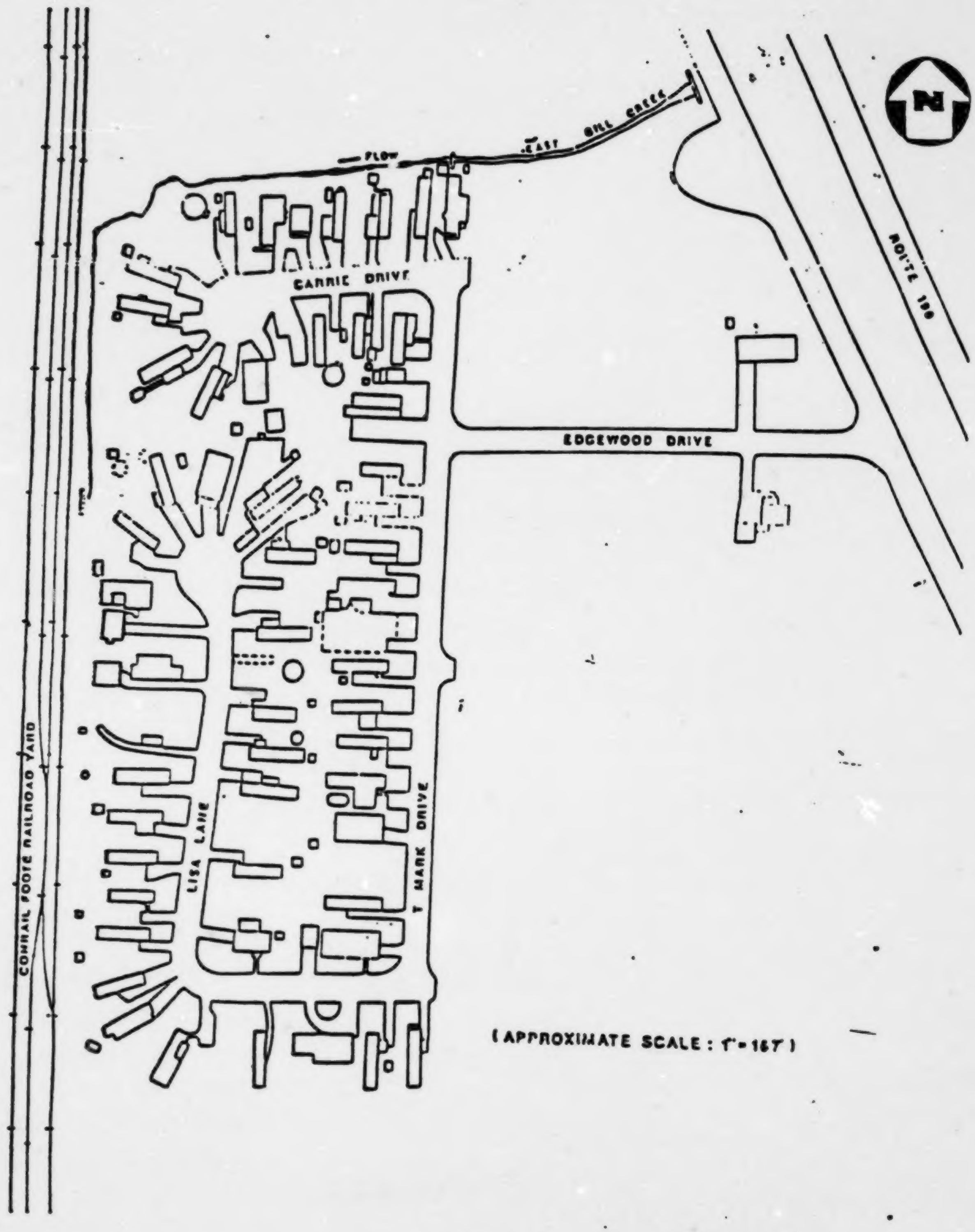

N
FLOW
EAST GILL CREEK
ROUTE 190
CARRIE DRIVE
EDGEWOOD DRIVE
LISA LANE
T MARK DRIVE
CONRAIL FOOTE RAILROAD YARD
(APPROXIMATE SCALE: 1"=167')

FIGURE 2
FOREST GLEN SUBDIVISION, NY
SUBDIVISION PLAN

APPENDIX 2

TABLES

TABLE 1

SUMMARY OF ANALYTICAL RESULTS OF 9/27-29/88 SAMPLING

CHEMICAL	CONCENTRATION RANGE[2] (ppm)	MEDIA	OCCURRENCES[1]
Semi-Volatiles			
Acenaphthene	24 - 260	W[3]	2/23
N-nitrosodiphenylamine[4]	47	S[5]	1/38
N-nitrosodiphenylamine[4]	5300	W	2/23
Phenanthrene	0.9 - 57	S	10/38
Phenanthrene	33 - 880	W	5/23
Anthracene	32 - 350	W	2/23
Fluoranthene	1.1 - 85	S	15/38
Fluoranthene	2.9 - 1300	W	6/23
Pyrene	0.98 - 87	S	15/38
Pyrene	33 - 1100	W	5/23
Benzo(a)anthracene	0.95 - 74	S	15/38
Benzo(a)anthracene	28 - 890	W	5/23
Chrysene	1 - 74	S	13/38
Chrysene	30 - 880	W	5/23
Benzo(b)fluoranthene	0.83 - 4500	S	15/38
Benzo(b)fluoranthene	30 - 820	W	5/23
Benzo(k)fluoranthene	0.95 - 60	S	11/38
Benzo(k)fluoranthene	25 - 630	W	5/23
Benzo(a)pyrene	0.9 - 59	S	10/38
Benzo(a)pyrene	30 - 840	W	5/29
Indeno(1,2,3-cd)pyrene	0.9 - 31	S	8/38
Indeno(1,2,3-cd)pyrene	28 - 420	W	3/23
Benzo(g,h,i)perylene	0.84 - 31	S	7/38
Benzo(g,h,i)perylene	30 - 370	W	3/23

NOTES

[1] Occurrences is the ratio of the number of positive analyses of a particular chemical to the number of samples taken.

[2] Some compounds were present below contract-specified detection limits, but above instrument detection levels. TIC concentrations are estimated values.

[3] W = solid waste sample

[4] The method used to analyze these samples does not distinguish between n-nitrosodiphenylamine and diphenylamine. Subsequent analyses have concluded that diphenylamine is the actual compound present.

[5] S = soil sample

TABLE 1 (continued)

SUMMARY OF ANALYTICAL RESULTS OF 9/27-29/88 SAMPLING

CHEMICAL	CONCENTRATION RANGE (ppm)	MEDIA	OCCURRENCES
Inorganics			
Cadmium	1.7 - 12	S	2/38
Chromium	15.2 - 285	S	38/38
Chromium	57 - 294	W	20/23
Lead	13 - 1450	S	38/38
Lead	110 - 339	W	10/23
Mercury	0.1 - 61	S	38/38
TICs			
Benzothiazole	0.69 - 560	S	5/38
Benzothiazole	8 - 46000	W	9/23
2-mercaptobenzothiazole	2.4 - 64000	W	9/23
Molecular Sulfur	12 - 27	S	2/38
Molecular Sulfur	3.6 - 8400	W	9/23
Benzo(c)phenanthrene	0.79 - 14	S	3/38
Benzo(j)fluoranthene	0.69 - 31	S	8/38
Benzo(ghi)fluoranthene	17	S	1/38
Benzo(k)fluoranthene	9.9	S	1/38
Benzo(a)pyrene	11 - 14	S	2/38
Aniline	3.2 - 4000	W	4/23

TABLE 2

SUMMARY OF ANALYTICAL RESULTS OF 4/13/89 RE-SAMPLING

CHEMICAL	CONCENTRATION RANGE[2] (ppm)	MEDIA	OCCURRENCES[1]
TICs			
Aniline	2600 - 5700	W[3]	3/7
Aniline	0.01 - 0.35	S[4]	2/7
Benzothiazole	0.15 - 2000	W	7/7
Benzothiazole	0.35 - 90	S	6/7
Phenothiazine	3.3 - 5500	W	5/7
Phenothiazine	0.70 - 19.5	S	5/7

NOTES

[1] Occurrences is the ratio of the number of positive analyses of a particular chemical to the number of samples taken.

[2] TIC concentrations are estimated values.

[3] W = solid waste sample

[4] S = soil sample

TABLE 3

RANGE OF TOTAL COSTS ASSOCIATED WITH PERMANENT RELOCATION

	ALTERNATIVE	COST
I.	Option A - acquisition of land Option C - individual relocation: move existing mobile homes to comparable mobile home parks One year temporary relocation Fencing	$ 4,705,000
II.	Option A - acquisition of land Option D - group relocation: move existing homes to new parcel of land; purchase and develop land One year temporary relocation Fencing	$ 4,705,000
III.	Option B - acquisition of all real property Option C - individual relocation: move residents to comparable homes One year temporary relocation Fencing	$ 6,023,000
IV.	Option B - acquisition of all real property Option D - group relocation: move residents to new parcel of land; purchase and develop land One year temporary relocation Fencing	$ 6,023,000

TABLE 4

BREAKDOWN OF COSTS ASSOCIATED WITH PERMANENT RELOCATION

PROPERTY ACQUISITION PHASE
OPTION A: ACQUISITION OF LAND/MOVEMENT OF EXISTING MOBILE HOMES

ITEM	COST
Decontamination of Mobile Homes @ $3,500/home[1]	$ 179,000
Testing and Analysis of Samples from Homes @ $1,200/sample and @ 10 samples/mobile home	$ 612,000
Moving Mobile Homes @ $6,000/home	$ 306,000
Acquire Permanent Residences @ $65,000/home	$ 130,000
Acquire Land Only @ $10,000/51 lots	$ 510,000
Contingency for Damage to Homes Caused By Moving (Assume 10% of cost of moving mobile homes)	$ 31,000
SUBTOTAL	$ 1,768,000
CONTINGENCY (10%)	$ 177,000
SUBTOTAL	$ 1,945,000
ADMINISTRATIVE COSTS (10%)	$ 194,000
TOTAL	$ 2,139,000

NOTE

[1] Based on 51 mobile homes and 2 permanent homes

TABLE 5

BREAKDOWN OF COSTS ASSOCIATED WITH PERMANENT RELOCATION

PROPERTY ACQUISITION PHASE
OPTION B: ACQUISITION OF ALL REAL PROPERTY

ITEM	COST
Decontamination of Mobile Homes @ $3,500/home[1]	$ 179,000
Testing and Analysis of Samples from Homes @ $1,200/sample and @ 10 samples/ mobile home	$ 612,000
Purchase of Mobile Homes[2] @ $35,000/home	$ 1,785,000
Purchase of Permanent Homes[2] @ $65,000/home	$ 130,000
Decontamination/Acquisition of Personal Property @ $1,500/household	$ 80,000
Disposal of mobile homes (assuming 70% of homes are scrapped @ $3,500/home)	$ 125,000
Salvage of mobile homes (assuming 30% of homes are salvaged @ $3,500/home)	$ (54,000)
SUBTOTAL	$ 2,857,000
CONTINGENCY (10%)	$ 286,000
SUBTOTAL	$ 3,143,000
ADMINISTRATIVE COSTS (10%)	$ 314,000
TOTAL[3]	$ 3,457,000

NOTE

[1] Based on 53 households (51 mobile homes and 2 permanent homes), unless otherwise noted

[2] Includes the cost of acquiring both the land and the home

[3] Does not include the value of utilities left in place.

TABLE 6

BREAKDOWN OF COSTS ASSOCIATED WITH PERMANENT RELOCATION

RELOCATION PHASE
OPTION C: INDIVIDUAL RELOCATION OF RESIDENTS[1]

ITEM	COST
Moving Expenses @ $1,250/household[2]	$ 66,000
Relocation Assistance @ $20,000/household	$ 1,060,000
SUBTOTAL	$ 1,126,000
ADMINISTRATIVE COSTS (10%)	$ 113,000
TOTAL	$ 1,239,000

NOTE

[1] Funds for purchasing replacement properties are included in Tables 4 and 5.

[2] Based on 53 households (51 mobile homes and 2 permanent homes), unless otherwise noted

TABLE 7

BREAKDOWN OF COSTS ASSOCIATED WITH PERMANENT RELOCATION

RELOCATION PHASE
OPTION D: GROUP RELOCATION OF RESIDENTS[1]

ITEM	COST
Land Development and Preparation @ $20,000/lot[2]	$ 1,060,000
Moving Expenses @ $1,250/household	$ 66,000
SUBTOTAL	$ 1,126,000
ADMINISTRATIVE COSTS (10%)	$ 113,000
TOTAL	$ 1,239,000

NOTE

[1] Funds for purchasing replacement properties are included in Tables 4 and 5.

[2] Based on 53 households (51 mobile homes and 2 permanent homes), unless otherwise noted

TABLE 8

BREAKDOWN OF COSTS ASSOCIATED WITH PERMANENT RELOCATION

OTHER COSTS COMMON TO ALL OPTIONS

ITEM	COST
Temporary Relocation of Residents for One Year during Permanent Relocation Process[1]	$ 1,201,000
Fencing @ $21/ft/5,500 ft	$ 115,000
SUBTOTAL	$ 1,316,000
CONTINGENCY (10% for fencing)	$ 11,000
TOTAL	$ 1,327,000

APPENDIX 3

ADMINISTRATIVE RECORD INDEX

Not included

APPENDIX 4

NYSDEC LETTER OF CONCURRENCE

New York State Department of Environmental Conservation
50 Wolf Road, Albany, New York 12233

Thomas C. Jorling
Commissioner

Mr. Stephen D. Luftig, P.E.
Director
Office of Emergency and Remedial Response
U.S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, NY 10278

DEC 22 1989

Dear Mr. Luftig:

Re: Forest Glen Subdivision, Site
No. 9-32-097 - Record of Decision

The Draft Record of Decision (ROD) for the first operable unit of the Forest Glen Subdivision Site, received by the New York State Department of Environmental Conservation (NYSDEC) on November 28, 1989, has been reviewed. The NYSDEC concurs with the selected remedy, as presented in the Draft ROD, for permanent relocation of the residents of the Forest Glen Subdivision.

If we can be of further assistance, please contact Mr. Michael J. O'Toole, Jr., P.E. at 518/457-5861.

Sincerely,

Edward O. Sullivan

Edward O. Sullivan
Deputy Commissioner

APPENDIX 5

RESPONSIVENESS SUMMARY

RESPONSIVENESS SUMMARY FOR THE RECORD OF DECISION

FOREST GLEN SUBDIVISION SITE

NIAGARA FALLS, NEW YORK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

NEW YORK

OVERVIEW

On November 17, 1989, the U.S. Environmental Protection Agency (EPA) and the New York State Department of Environmental Conservation (NYSDEC) released a Focused Feasibility Study of Relocation Options (FFS) and a Proposed Plan for relocation of residents from the Forest Glen Subdivision site in Niagara Falls, New York. EPA's and NYSDEC's preferred relocation alternative, outlined in the Proposed Plan, was permanent relocation of residents, including options for acquisition of land only and movement of mobile homes, acquisition of all real property, individual relocation, and group relocation. The exact options to be implemented in the permanent relocation would be determined during the permanent relocation process, considering what best suited the needs of the community in accordance with the National Contingency Plan and all applicable laws, regulations, and standards.

Based on comments received at several public availability sessions held prior to the release of the FFS and Proposed Plan and on written and verbal comments received after these documents were released, residents of the Forest Glen Subdivision prefer permanent relocation. Approximately one-half of the residents have indicated an interest in group relocation and several residents have indicated that they will not relocate if they are not moved as a group. The remaining residents prefer individual relocation. A committee of residents has presented a group relocation proposal to EPA and the Federal Emergency Management Agency (FEMA).

Several Potentially Responsible Parties (PRPs) associated with the site have, in written comments on the FFS and Proposed Plan submitted to EPA, questioned the legitimacy of the Agency for Toxic Substances and Disease Registry's (ATSDR's) Preliminary Health Assessment (PHA) of the site which determined that the site posed an immediate danger to residents and EPA's subsequent determination to immediately relocate site residents. As a result, these PRPs have suggested that EPA take no action at the site until a full Remedial Investigation and Feasibility Study (RI/FS) of the site is completed to determine more fully the nature and extent of site contamination and the risks posed by the site.

The Proposed Plan for the Forest Glen Subdivision site is Attachment 1 to this Responsiveness Summary. The written comments submitted to EPA during the public comment period are Attachment 2. A transcript of the public meeting held on November 30, 1989 is Attachment 3 to this document.

BACKGROUND ON COMMUNITY INVOLVEMENT

EPA has conducted an extensive community relations program at the site to inform and involve all residents in the activities taking place at the site. EPA held a public availability session on June

14, 1989 when data revealed contamination at the site. At that time, several residents expressed a desire for buyouts and health testing. At the issuance of the ATSDR PHA in July 1989, EPA held an availability session to inform residents of the temporary relocation program being initiated under EPA emergency removal authorities. At that time, several residents expressed a desire for permanent relocation and refused to participate in the temporary relocation program. In addition, residents of Expressway Village, a mobile home park which adjoins the Forest Glen Subdivision expressed concern about the possibility of contamination and health effects in their community. EPA has since performed two rounds of sampling in Expressway Village.

EPA and FEMA held another availability session in September 1989, to answer questions about the federal relocation process. Prior to that session and at that session, several residents expressed an interest in "re-establishment" or relocation as a group to a new subdivision. EPA and FEMA agreed to study the residents' group relocation proposal. EPA and FEMA held availability sessions to announce the listing of the site on the National Priorities List on November 15 and the beginning of the FFS and Proposed Plan comment period on November 17. On November 16, residents presented a group relocation proposal to EPA and FEMA and indicated that approximately half of the families in Forest Glen were interested in group relocation. On November 30, EPA held a public meeting to accept comments on the FFS and Proposed Plan.

To date, residents at the site have participated in all aspects of EPA's involvement at the site. EPA maintains offices at the site and has a public information office in downtown Niagara Falls.

SUMMARY OF PUBLIC COMMENTS AND LEAD AGENCY RESPONSE

Oral and written comments submitted during the public comment period for the Forest Glen Subdivision site relocation operable unit are summarized below. The public comment period was held from November 17, 1989 through December 18, 1989.

COMMENT: Several residents stated that they would like to be permanently relocated as soon as possible because of the danger posed to their health.

EPA'S RESPONSE: EPA has expedited the listing of the site and the FFS process and will continue to expedite the permanent relocation of residents. EPA recommends that residents agree to temporary relocation while permanent relocation is being implemented.

COMMENT: A resident requested that Tony Girasole, a local appraiser, be one of the appraisers.

EPA'S RESPONSE: EPA does not select the appraisers to be used in the permanent relocation process. FEMA has selected an appraiser based on federal competitive procurement requirements. Mr. Girasole has been selected by FEMA. FEMA was not aware of the resident's request.

COMMENT: Several residents stated that land, mobile homes, and permanent residences in the Forest Glen Subdivision are worth far more than estimates which were given in the FFS. In addition, a resident stated that the developer of Forest Glen sold the last two lots for $10,000 and that he would not accept less for his land. Another resident stated that the developer of Forest Glen said that he would sell a lot for $15,000 and that every lot in Forest Glen is worth that. He also stated that he would not move from the Forest Glen Subdivision unless he got exactly what he wanted.

EPA'S RESPONSE: Based on public input and other information presented to EPA, the estimate of the cost of acquiring an individual lot in the Forest Glen Subdivision has been increased approximately 210% and the cost estimates for the acquisition of mobile and permanent homes have been increased approximately 30% - 40% from the estimates given in the FFS. In the Record of Decision (ROD), the estimated value of land is $10,000/lot. The estimated value of mobile homes in the ROD is $35,000/home and the estimated value of the two permanent homes is $65,000/home. These figures are, however, estimates, developed by EPA for cost comparison purposes. The actual value of land and homes in the Forest Glen Subdivision will be determined through appraisals. These appraisals will form the basis for the determination of just compensation for each home. The cost estimates developed by EPA have no bearing on the appraisal process.

COMMENT: A resident requested a separate appraisal for her home.

EPA'S RESPONSE: Each home in the Forest Glen Subdivision will be appraised separately. Land and homes will be appraised together, providing the homeowner owns both the land and the home.

COMMENT: A resident stated that she feels residents who move should be reimbursed as long as they have receipts of their expenses.

EPA'S RESPONSE: Eligible moving expenses are reimbursable. Any moving expense that falls outside of stated guidelines should be approved in advance by FEMA and EPA.

COMMENT: A resident demanded that she receive $22,500 relocation assistance regardless of whether she is an owner or a renter. She stated that anyone who buys property should be entitled to $22,500 relocation assistance.

EPA'S RESPONSE: Federal regulations state that property owners are entitled to relocation assistance up to a limit of $22,500. Renters are entitled to up to $5,250 in relocation assistance. In addition, federal regulations authorize certain assistance to help renters who desire to become owners. Individual circumstances will be evaluated by EPA and FEMA in light of applicable federal regulations.

COMMENT: A resident stated that she is entitled to $20,000 in business losses because she will lose proximity to the interstate on/off ramp in relocating.

EPA'S RESPONSE: Federal regulations state that up to $20,000 in business losses may be paid if losses are substantiated. Individual circumstances will be evaluated by EPA and FEMA in light of applicable federal regulations.

COMMENT: A resident stated that the no action alternative does not eliminate the hazard to residents.

EPA'S RESPONSE: EPA agrees that Alternative 1, no action, is not protective of human health.

COMMENT: A resident and several PRPs stated that temporary relocation is not appropriate for the following reasons:

- it is not a mandatory program;
- it is not protective of health;
- it is unreasonable in its cost; and
- it is unreasonable in its treatment of residents.

EPA'S RESPONSE: EPA agrees with this comment and has discussed these factors in its evaluation of Alternative 2, temporary relocation in the FFS and the Record of Decision (ROD).

COMMENT: Two residents stated that Alternative 3, Option A, acquisition of land/movement of existing mobile homes has many problems including:

- the homes would have to be certified clean;
- most of the homes in the development are immobile for various reasons;
- there is no land available for purchase in Niagara Falls which is zoned for mobile homes;
- area mobile home parks are full; and
- area mobile home parks are unwilling to accept Forest Glen Subdivision trailers.

EPA'S RESPONSE: EPA agrees that homes which are moved from the Forest Glen Subdivision would have to be tested and, possibly, decontaminated to ensure that they are free from chemical contamination prior to moving. EPA also agrees that many of the homes in the subdivision have been significantly altered so as to render them immobile. EPA also agrees that if there is no available zoned land at the time of the move or if mobile home park space is not available, movement of mobile homes within the Niagara Falls area will be impossible.

COMMENT: A resident stated that Alternative 3, Option D, group relocation of residents, is not feasible because residents can not get along with each other.

EPA'S RESPONSE: Approximately 25 families have indicated an interest in group relocation. EPA and FEMA will continue to assess the desirability and feasibility of group relocation. No final decision on group relocation will be made until after the appraisal process is complete.

COMMENT: A resident stated that Alternative 3, Option C, individual relocation, is the most feasible option available.

EPA'S RESPONSE: EPA and NYSDEC have selected Alternative 3, permanent relocation, as the remedy for the relocation of Forest Glen residents. Within Alternative 3, EPA acknowledges several options which may be implemented depending on what best meets the needs of the community in accordance with the NCP and all applicable laws, regulations, and standards.

COMMENT: Several residents stated that they are concerned that they will not be in a comparable economic situation after relocations. They also stated that they will not consider a "trailer park" comparable to their current situation.

EPA'S RESPONSE: EPA and FEMA have stated that, per regulation, residents' economic situation after relocation will be equivalent to their current economic situation. Comparability of housing is a determination which is based on many factors, including the ability to own land at the Forest Glen Subdivision and at other locations.

COMMENT: A resident asked for clarification of a statement on the FFS that, under group relocation, relocation assistance payments would be pooled by residents to finance a new subdivision.

EPA'S RESPONSE: The statement in the FFS refers to the fact that under group relocation, some costs which may be associated with the development of a new subdivision, may be financed through the relocation assistance payments received by residents. In addition, EPA and FEMA are continuing to investigate ways to assist residents who choose group relocation. The statement has been removed from the ROD since it may not be entirely accurate.

COMMENT: A resident who currently owns her trailer and rents her land inquired as to whether the relocation assistance payment can be used for purchasing land under group relocation.

EPA'S RESPONSE: Generally, the relocation assistance payment may not be used for this purpose. Federal regulations do provide for certain assistance to renters who desire to become owners.

COMMENT: A resident asked how long the appraisal process would take before residents received an offer.

EPA'S RESPONSE: After the appraisal process begins, it may take up to three months before FEMA is prepared to make an offer to purchase. Appraisers are given up to sixty days to complete appraisals. Appraisals must then be reviewed before they can be used as the basis on which an offer to purchase is made.

COMMENT: Several residents expressed a preference for group relocation. Several also stated that group relocation offered them continued security. In addition, some of these residents also stated that they would not accept anything other than group relocation.

EPA'S RESPONSE: In response to residents' concerns, EPA has included an option for group relocation in Alternative 3, permanent relocation.

COMMENT: A resident asked whether mobile homes (especially those which had been improved and altered in ways which made them substantially immobile) would be appraised as homes or as mobile homes.

EPA'S RESPONSE: The appraiser will determine whether the State of New York classifies the structures in the Forest Glen Subdivision as real property (homes) or as personal property (mobile homes).

COMMENT: A resident commended the government for its efforts to date at the Forest Glen Subdivision site. He also expressed a preference for group relocation.

COMMENT: A resident stated that individual relocation should be considered.

EPA'S RESPONSE: EPA's and NYSDEC's preferred alternative is for permanent relocation, with a combination of individual and group relocation as best meets the needs of the community in accordance with the NCP and all applicable laws, regulations, and standards.

COMMENT: A resident requested that the ROD for permanent relocation be signed immediately. He asked whether EPA could guarantee ROD signature by December 15, 1989.

EPA'S RESPONSE: EPA can not guarantee ROD signature by December 15, 1989. By law EPA is required to take public comment on the FFS and Proposed Plan for at least 21 days. The public comment period, scheduled to end on December 8, 1989, was extended to December 18, 1989, at the request of PRPs. EPA must respond to all comments received during the public comment period. The ROD will be signed as soon as possible after EPA has responded to all comments.

COMMENT: A resident inquired about the possible delay of permanent relocation while EPA reviews and approves the State of New York's Capacity Assurance Plan.

EPA'S RESPONSE: By law, EPA cannot initiate new remedial actions within the State of New York until the New York State Capacity Assurance Plan (CAP), which confirms hazardous waste disposal capacity within the State, has been approved. This plan was submitted in October, 1989.

Appraisals of the homes in the Forest Glen Subdivision will continue through March, 1990. Therefore, if the CAP is approved by March, there will be no delay in the purchase of homes in the Forest Glen Subdivision. In addition, EPA is pursuing enforcement actions against PRPs. Approval of the CAP does not affect the initiation of privately funded remedial actions. In the meantime, EPA encourages residents to enroll in the temporary relocation program to ensure protection of health until property in the Forest Glen Subdivision can be purchased.

COMMENT: A resident asked whether EPA had intentions of redeveloping the Forest Glen Subdivision once the relocation is complete. He stated that he would hate to see the example of Love Canal repeated with people trying to keep contaminated places from going on the market.

EPA'S RESPONSE: Once relocation of residents is complete, a RI/FS will be performed to evaluate options for remediating the contamination at the Forest Glen Subdivision site. This study will result in a proposed plan for cleanup of the site. This plan may include complete removal and/or treatment of all contamination, containment of contamination, or a combination of these two methods. Public comment will be a factor in determining the cleanup plan for the site. The redevelopment of the site will depend on whether contamination is removed or contained at the site and will be determined following remediation of the site.

COMMENT: A resident inquired as to whether EPA or ATSDR had determined anything further about the health effects of the chemicals buried at the Forest Glen Subdivision site.

EPA'S RESPONSE: ATSDR has reviewed the results of all sampling performed by EPA. ATSDR has not determined anything more about the chemicals discovered at the Forest Glen Subdivision site at this time.

COMMENT: The same resident asked for an update on EPA activities with PRPs for the site.

EPA'S RESPONSE: EPA is currently negotiating with several PRPs. On November 29, EPA issued a special notice to all known PRPs.

PRPs have been given sixty days to respond to EPA with a good faith offer to implement the permanent relocation outlined in this ROD.

COMMENT: A resident whose family had been temporarily relocated for two and one half months commented that health problems experienced by her son had stopped since relocating and that she would not move back to Forest Glen. She also asked when appraisers would be at the site.

EPA'S RESPONSE: Appraisers began to contact residents of the site in December, 1989. Appraisers are developing a reference book of properties comparable to the properties in the Forest Glen Subdivision.

COMMENT: A resident asked whether land and homes would be appraised together or separately.

EPA'S RESPONSE: EPA will appraise whatever is owned by the resident. If the resident owns both the land and the home, they will be appraised as one unit.

COMMENT: A resident asked that a copy of the transcript of the meeting held on November 30 be given to all residents that attended the meeting.

EPA'S RESPONSE: A copy of the transcript has been distributed to all residents who attended the meeting.

COMMENT: A PRP requested an extension of the public comment period to have time to adequately respond to the FFS and Proposed Plan.

EPA'S RESPONSE: The public comment period for the FFS and Proposed Plan were extended to December 18, 1989.

COMMENT: A number of parties who have been identified as PRPs have submitted comments disputing the basis of their being identified as PRPs.

EPA'S RESPONSE: EPA continues to respond, on an individual basis, to the PRPs regarding the basis of their identification as PRPs.

COMMENT: A PRP commented that there is inadequate factual and legal support for the Agency to determine that there is a risk to the health of residents which should cause the site to be listed on the National Priorities List (NPL) or to provoke actions by EPA as proposed in the FFS.

EPA'S RESPONSE: EPA based its decision for permanent resident relocation outlined in this ROD on the ATSDR PHA issued on July 21, 1989. This document stated that the site posed an imminent threat to residents and that residents should be relocated from the site until the site was remediated or the threat was shown to be unfounded. As explained, a subsequent RI/FS will be performed to further assess the danger posed by the site. Remediation of the site will follow. These events are estimated to require five to ten years to complete. In the interim, residents must be relocated to ensure protection of their health. As explained in the ROD, permanent relocation is the preferred method to achieve this relocation.

COMMENT: The same PRP stated that EPA has failed to demonstrate why the Forest Glen Subdivision requires such unusual administrative action. Further, they stated that this "fast-track" decision process sets a dangerous administrative precedent.

EPA'S RESPONSE: The use of a FFS rather than a full RI/FS is not unusual at sites when EPA wishes to investigate and analyze limited remedial options for a discrete operable unit. For example, EPA has performed FFS's which lead to the selection of alternate water supplies for communities whose water supply has been contaminated. In the same manner, EPA has chosen to perform an FFS at the Forest Glen Subdivision site to evaluate the limited relocation options available for the Forest Glen Subdivision residents. The FFS outlines why options other than relocation options were not considered at this time. Non-relocation options require further information which will be acquired through a later RI/FS. In the interim, however, relocation is required to protect the health of residents. Based on these facts, EPA disagrees that the use of an FFS in this instance sets a dangerous administrative precedent or is an unusual administrative action.

COMMENT: The same PRP stated that EPA has failed to demonstrate why a full RI/FS need not occur before remedial action is taken at the Forest Glen Subdivision site . They stated that a full RI/FS would allow adequate data to be taken which would permit all of the parties to make an informed decision about relocation of residents as well as a plan for final remediation of the site.

EPA'S RESPONSE: EPA believes that, in order to protect the health of residents during RI/FS activities and remedial actions which may take five to ten years, some type of relocation is required. Therefore as explained in this ROD and in the Proposed Plan, EPA has selected permanent relocation of residents for this first operable unit at the Forest Glen Subdivision site.

COMMENT: Several PRPs commented that EPA's action is based entirely on the PHA performed by ATSDR in July, 1989.

EPA'S RESPONSE: EPA's actions are based on information contained in the administrative record for the Forest Glen Subdivision site which includes ATSDR's PHA.

COMMENT: The same PRPs stated that the PHA is inadequate to support the actions proposed in the FFS. They also stated that the

PHA is not based on scientific standards or protocols for conducting health risk assessments.

EPA'S RESPONSE: The PHA is not meant to be equivalent to the risk assessments commonly used by EPA to assess current and future risks at Superfund sites. As defined in the Comprehensive Environmental Response, Compensation, and Liability, Act (CERCLA), health assessments include preliminary assessments of the potential risk to human health posed by individual sites and facilities. Based on data collected by EPA, ATSDR, using methods consistent with guidelines on performing health assessments, determined that a significant risk to human health exists at the Forest Glen Subdivision. ATSDR's protocols are based on established scientific standards and protocols for conducting health assessments.

COMMENT: The same PRPs asserted that subsequent to the PHA, EPA has undertaken several precautionary steps to reduce perceived risk at the site through contact with any contaminated soils. They also state that these measures include collecting and securing drums of waste located in certain areas outside the residential area, installation of fencing around areas of contamination, and covering with concrete areas where contaminants were visibly observed.

EPA'S RESPONSE: The precautionary steps taken by EPA subsequent to the FFS include securing waste located outside the residential area, installation of fencing around suspected areas of contamination, and covering one hotspot of contamination with concrete. These actions alone do not address the threats discussed in the PHA, namely the direct contact threat associated with other contaminated soils at the site or related to subsurface activities at the site, the potential for contamination of water lines, and the potential for subsidence of the site.

COMMENT: The same PRPs pointed out the lack of residential exposure to contaminants by inhalation and the lack of contamination in the homes.

EPA'S RESPONSE: Inhalation of contaminants and contamination in the homes at the Forest Glen Subdivision are not the basis for the PHA findings at the Forest Glen Subdivision.

COMMENT: The same PRPs stated that the routes of potential exposure to contaminants cited by ATSDR in the PHA (direct contact during routine domestic activities such as gardening, playing, and lawn care) can be addressed by precautionary measures and that there is no history of documented health problems relating to any such exposure to soil contamination.

EPA'S RESPONSE: EPA does not agree that any remedial measures can be implemented on-site which will eliminate the direct contact threat at the site until a more thorough investigation of the site can be completed. In the interim, residents on the site are threatened by contamination which can not be completely controlled. For example, while it may be possible to cap hotspots of contamination as they are found, it is impossible to cap the entire site to prevent exposure to undiscovered soil contamination while residents remain on the site.

EPA agrees that more studies must be performed to relate health problems at the site to exposure to contaminated soil. The New York State Department of Health is presently conducting such work.

COMMENT: The same PRPs assert that ATSDR's concern appears based on anecdotal exposure. They also state that this type of information is not relied upon for scientifically valid conclusions.

EPA'S RESPONSE: ATSDR relies on several sources of information in preparing PHAs. These sources include data on the nature and extent of contamination at the site, toxicity data from the literature, and anecdotal exposure data from residents. On the basis of these and other available data, ATSDR made a judgement about the actual and potential health risk presented by a site.

COMMENT: The same PRPs stated that potential exposures at the site could continue to be addressed through covering areas of contamination as EPA has done as well as cautions against engaging in activities which might result in exposure during the RI/FS period.

EPA'S RESPONSE: Extensive sampling will be required to determine the extent of all areas of contamination at the Forest Glen Subdivision site. Therefore, all actual and potential threats posed by the site could not be addressed through on-site control measures until an RI/FS had been completed for the site which more fully identifies all areas of contamination. In the interim, relocation will protect residents from all real and potential threats at the site. Cautions to residents against engaging in all routine outdoor domestic activities such as gardening, playing, and lawn care is impractical, and quite likely, unenforceable.

COMMENT: The same PRPs commented that ATSDR's PHA was based upon second-hand data and that no evidence of adequate quality assurance and quality control (QA/QC) of data was available in the administrative record for the site.

EPA'S RESPONSE: The QA/QC information for the data used in the PHA is located in the administrative record in the items numbered 1 through 5 in the index.

COMMENT: The same PRPs commented that ATSDR failed to demonstrate associations between exposures and health effects.

EPA'S RESPONSE: ATSDR's PHA assumed that residents could potentially be exposed to contaminated soil. The PHA discussed the relationship between exposure and health effects as best as possible given the limitation of the toxicity data base.

COMMENT: The same PRPs commented that ATSDR does not appear to have consulted all available information with respect to contaminants of concern at the site.

EPA'S RESPONSE: ATSDR relies on available toxicity data which are the result of a thorough literature search.

COMMENT: The same PRPs pointed out that aniline, a potential carcinogen at the site is rapidly biodegraded and unlikely to be persistent in the environment. They also stated that PAHs are unlikely to be available through common human exposure pathways. In addition, they stated that, in interpreting literature data, ATSDR failed to account for significant differences between the situations being reported in the literature and the site.

EPA'S RESPONSE: The fact that aniline was detected at significant concentrations at the site points to the fact that it has not been completely biodegraded and poses a direct contact threat at the site. ATSDR relied on available animal and human studies in its discussion of the effects of PAHs on residents. These are common sources of toxicological data. Studies of workers exposed to PAHs in coal tar and pitch were useful sources of human data in the determination of the carcinogenicity of PAHs.

COMMENT: The same PRPs commented that the occupational studies referred to in the PHA do not link aniline to cancer, but to increased levels of methemoglobin in the blood.

EPA'S RESPONSE: The classification of aniline as a possible human carcinogen is based on animal studies which are recognized sources of toxicological information.

COMMENT: The same PRPs commented that site-specific exposure pathway modeling is needed to construct a valid assessment of any potential health risk. They also commented that without such analyses, a scientifically valid health assessment is not possible and applicable legal standards cannot and have not been met.

EPA'S RESPONSE: Based on data collected by EPA, ATSDR, using methods consistent with guidelines on performing health assessments, determined that a significant risk to human health exists. ATSDR's protocols are based on established scientific standards for conducting health assessments.

COMMENT: The same PRPs commented that ATSDR has not demonstrated that exposures to high concentrations of chemicals of concern have occurred or that any likely exposure would lead to significant health risks.

EPA'S RESPONSE: The PHA assumes the potential for exposure to the high concentrations of contaminants present in samples taken by EPA. Toxicity data indicate that chemicals of concern at the Forest Glen Subdivision site pose a threat to human health.

COMMENT: The same PRPs commented that residents of the site are supplied with public drinking water, and there is no evidence that it is contaminated.

EPA'S RESPONSE: In the PHA, ATSDR cited the potential of a possible breach in the water lines which might allow subsurface contamination to enter water lines at the site. This poses a potential threat to site residents.

COMMENT: The same PRPs stated that the possibility of subsidence cited by ATSDR in the PHA appears based entirely on speculation. They also state that no reported evidence of subsidence appears in the administrative record.

EPA'S RESPONSE: Several items in the administrative record cite reports of semi-liquid material which oozed to the surface during digging. Since mobile semi-liquid material has been found at the site, it is possible that additional mobile semi-liquids exist there. The presence of these mobile materials below the ground upon which the Subdivision has been built creates the possibility of subsidence. The risk of potential subsidence is based on these reports.

COMMENT: The same PRPs commented that the EPA appears to have prejudged the results of any RI/FS in its analysis of options in the FFS. They state that EPA's analysis of options proceeds on the assumption that the RI/FS will confirm its view that a significant health risk exists at the site and that extended relocation will be necessary.

EPA'S RESPONSE: EPA has not prejudged the results of any future RI/FS at the Forest Glen Subdivision site. The need for some type of action to protect the health of the residents is based on the PHA and its finding that the site poses an immediate threat to residents. ATSDR has stated that residents should be relocated until the site is remediated or the threat to residents has been shown to be unfounded.

In addition, EPA's analysis of alternative 2 is based on the assumption that residents would be relocated for a period of five to ten years. As explained in the FFS, this assumption is based on the period required to complete temporary relocation, conduct an RI/FS, and conduct remedial actions at the site. Based on the levels of contamination already detected at the site, it is a reasonable and conservative assumption that some type of remediation will be required at the site.

COMMENT: The same PRPs commented that EPA has summarily dismissed, without adequate justification, the option of doing the RI/FS without relocation or with limited relocation.

EPA'S RESPONSE: Non-relocation options require further information which will be acquired through a later RI/FS. In the interim, however, based on ATSDR's determination that a significant health threat currently exists at the site, relocation at this time is required to protect the health of residents. In addition, as the FFS states, field activities required to determine the extent of contamination could expose subsurface wastes and further endanger human health.

COMMENT: The same PRPs commented that EPA failed to consider the possibility of limited, temporary relocation during any period during the RI/FS when intrusive activities are conducted. Therefore, relocation is the only possibility that reasonably prevents potential exposure of residents during the RI/FS and any future remedial action.

EPA'S RESPONSE: Limited temporary relocation during those periods of the RI/FS when intrusive activities take place would not be fully protective of human health, since the threat of residential exposure to soil contamination will continue until the site has been remediated.

COMMENT: The same PRPs commented that it would be most consistent with CERCLA and development of an overall effective remedy to await the results of an RI/FS as well as an acceptable health risk assessment before jumping to the conclusion that extended relocation is necessary.

EPA'S RESPONSE: EPA's approach is consistent with CERCLA and the NCP. EPA has expedited its response to an immediate threat to residents at the Forest Glen Subdivision through the development of the FFS and through its proposal to permanently relocate site residents.

COMMENT: The same PRPs commented that the situation at the site affords means of access other than Edgewood Drive.

EPA'S RESPONSE: Edgewood Drive is presently the only road which connects the Forest Glen Subdivision to the Service Road east of the site. EPA has installed its offices on Edgewood Drive. Field activities conducted to date by EPA have not required large equipment which would limit access to the site.

COMMENT: The same PRPs commented that a citation to Department of Justice appraisal standards, discussed in the FFS and ROD, should be provided.

EPA'S RESPONSE: Appraisal standards are discussed in Uniform Appraisal Standards for Federal Land Acquisition published by the Government Printing Office in Washington, D.C. in May 1973. Copies of these standards have been distributed to site residents and are available at the EPA Public Information Office in Niagara Falls, New York.

COMMENT: The same PRPs commented that the FFS fails to include any explanation or justification to substantiate costs.

EPA'S RESPONSE: As explained in the FFS on page 37, cost estimates presented in the FFS are based on a variety of information, including quotes from suppliers in the area of the site, generic unit costs, vendor information, conventional cost estimating guides, and prior experience.

COMMENT: Several PRPs commented that EPA implies, in the FFS, that the cost of group relocation is equivalent to that of individual relocation. They ask EPA to explain how it would ensure that if group relocation is selected, the cost would not exceed the cost of individual relocation.

EPA'S RESPONSE: The costs given in the FFS are estimates used in evaluating alternatives. In estimating the cost of group relocation, EPA assumed that the unit costs associated with development of land would be borne by residents who would pool individual relocation assistance payments to finance the development. While this is one possible way to finance the development of a new subdivision for group relocation, it is not the only approach. For example, federal regulations do provide for the development of a new subdivision in certain cases. Actual costs for development of a new subdivision for group relocation will be developed, as necessary, during the design of the new subdivision.

COMMENT: A PRP commented that the ATSDR PHA should be appended to the FFS. They also stated that any EPA reports which evaluate the data sampling program and the accuracy of results as well as the conclusions drawn from raw data should be referenced in the FFS.

EPA'S RESPONSE: The ATSDR PHA along with the other EPA data reports referenced above are available in the Forest Glen Subdivision Site Administrative Record.

COMMENT: The same PRP commented that the FFS should discuss the effect, if any, that the large open field to the north had on EPA's determination to relocate residents of the subdivision.

EPA'S RESPONSE: Data used by ATSDR in support of its PHA include data taken in the undeveloped parcel north of the subdivision. This area is being included in the site study area. A complete investigation of this area will be conducted in the full RI/FS which will be performed at the site following completion of relocation activities.

COMMENT: The same PRP commented that EPA's statement in the FFS that the Power Authority of the State of New York (PASNY) owns the undeveloped land north of the subdivision is erroneous.

EPA'S RESPONSE: Information submitted by the New York Power Authority, formerly PASNY, indicates that the undeveloped land north of the subdivision was sold by PASNY to Thomas Sottile. EPA is continuing to investigate ownership of the land north of the subdivision.

COMMENT: The same PRP commented that EPA should give further information on the drums of waste which were the subject of the Administrative Order to certain PRPs and which were later secured by EPA.

EPA'S RESPONSE: Drum fragments located in the undeveloped areas north and east of the site were secured by EPA. An Administrative Order did direct certain PRPs to secure drums and containers at the site which were leaking or in danger of leaking. This Administrative Order was based on sampling data which showed contamination north of the site in areas of suspected drum dumping.

COMMENT: The same PRP commented that a figure showing September 27-29, 1988 sampling locations reveals that no sampling was undertaken in the undeveloped area north of the subdivision.

EPA'S RESPONSE: Figure 2A in the report on the September 27-29, 1988 data shows two sampling locations near the berm in the undeveloped area north of the site.

COMMENT: The same PRP commented that the FFS should include sample locations and the basis for selecting samples taken on April 13, 1989. They also state that the FFS should define extremely contaminated and state whether the contamination was from hazardous waste. In addition, they state that the FFS should indicate confidence levels associated with tentatively identified compound (TIC) concentrations.

EPA'S RESPONSE: Information in the Administrative Record identifies sampling locations for the April 13, 1989 sampling. Samples were collected from locations sampled in September, 1988. The sample numbers for both sampling events were identical. Therefore, the sampling locations for the April sampling are shown in figures included in the report on the September sampling event. Some samples analyzed as a result of the April, 1989 sampling were reported by the operator to be "extremely contaminated." Analytical results for the samples are given in the FFS and these demonstrate the degree of contamination found in the samples.

COMMENT: The same PRP commented that the FFS should reconcile inconsistencies between the September 27-29, 1988 sampling results and the May 22, 1989 sampling results. They also stated that results of the May 22, 1989 and August 1, 1989 sampling should be tabulated in the FFS.

EPA'S RESPONSE: In the future, data will be taken to further characterize contamination at the site. Detailed results of the May, 1989 sampling event are given in the Forest Glen Subdivision site Administrative Record.

COMMENT: The same PRP commented that EPA should indicate whether ATSDR had considered the results of all sampling events.

EPA'S RESPONSE: ATSDR has considered the results of all sampling events at the Forest Glen Subdivision site. The findings in the ATSDR PHA remain unchanged.

COMMENT: The same PRP commented that the development of a new subdivision will require compliance with several local and state land use and environmental laws and regulations.

EPA'S RESPONSE: EPA has included state and local zoning and subdivision requirements as potentially applicable to the development of a new subdivision for relocation.

COMMENT: The same PRP commented that the environmental impacts associated with the use of undeveloped property instead of existing land should be discussed.

EPA'S RESPONSE: Any environmental impacts associated with the development of previously undeveloped land will be considered upon selection of a parcel of land for relocation.

COMMENT: The same PRP questioned whether both the claims of absentee landlords and owners are addressed in the EPA cost analysis. They also questioned whether the costs estimates are in 1989 dollars or current dollars.

EPA'S RESPONSE: The permanent relocation selected by EPA generally applies to residents and owners of permanent homes in the Forest Glen Subdivision. Cost estimates in the FFS have not been discounted.

COMMENT: The same PRP questioned how EPA arrived at a purchase price of $25,000 for a mobile home and lot when mobile homes have been estimated to have a resale value of $3,500 and lots are estimated to have a fair market value of $3,200.

EPA'S RESPONSE: The estimated purchase price of a mobile home and lot in the Forest Glen Subdivision has been increased to $35,000. This figure is based on average prices of mobile homes in the Niagara Falls area and on information provided by area real estate professionals. The fair market value of land in the Forest Glen Subdivision has been increased to $10,000. The mobile home salvage value of $3,500 given in the FFS is a conservative estimate of the value of the mobile homes at the Forest Glen Subdivision to a dealer who would haul the homes away from the site, restore them, and resell them.

COMMENT: The same PRP commented that the FFS fails to list the applicable or relevant and appropriate requirements for permanent relocation.

EPA'S RESPONSE: No federal environmental laws were found to be applicable or relevant and appropriate to the permanent relocation of residents. However, depending on the options selected during implementation of permanent relocation, state or local zoning or subdivision laws may be applicable. This fact is reflected in the ROD.

COMMENT: The same PRP stated that the description of disposal activities at the site is incomplete.

EPA'S RESPONSE: EPA continues to investigate the history of disposal activities at the Forest Glen Subdivision site.

COMMENT: A PRP commented that EPA's issuance of special notice to PRPs prior to the release of the ROD was premature. They also requested that special notice be withdrawn.

EPA'S RESPONSE: EPA policy is to issue special notice following the release of the proposed plan.

RESPONSIVENESS SUMMARY

ATTACHMENT 1

FOREST GLEN SUBDIVISION SITE PROPOSED PLAN

PROPOSED PLAN
FOR
FOREST GLEN SUBDIVISION SITE
NIAGARA FALLS, NEW YORK

PREPARED BY

U.S. ENVIRONMENTAL PROTECTION AGENCY

NOVEMBER 1989

INTRODUCTION

This Proposed Plan identifies the preferred option for relocating residents of the Forest Glen Subdivision site (Forest Glen site). In addition, the Plan includes summaries of other alternatives analyzed for this site. This document is issued by the U.S. Environmental Protection Agency (EPA), the lead agency for site relocation activities, and the New York State Department of Environmental Conservation (NYSDEC), the support agency for this response action. EPA, in consultation with NYSDEC, will select a final remedy for the site only after the public comment period has ended and the information submitted during this time has been reviewed and considered.

PURPOSE OF THE PROPOSED PLAN

EPA is issuing this Proposed Plan as part of its public participation responsibilities under Section 117(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This document summarizes information that can be found in greater detail in the Focused Feasibility Study of Relocation Options (FFS) and other documents contained in the administrative record for this site. EPA and the State encourage the public to view these other documents in order to gain a more comprehensive understanding of the site and Superfund activities that have been conducted there. The administrative record file which contains information upon which the selection of the response action will be based, is available at the following locations:

U.S. Environmental Protection Agency
Edgewood and T-Mark Drives
Forest Glen Subdivision
Niagara Falls, New York 14304

U.S. Environmental Protection Agency
Emergency and Remedial Response Division
26 Federal Plaza, Room 747
New York, N.Y. 10278

In addition, the FFS and the Proposed Plan are available at additional information repositories which have been set-up at the following locations:

New York State Department of
Environmental Conservation
50 Wolf Road, Room 222
Albany, N.Y. 12233

New York State Department of
Environmental Conservation
600 Delaware Avenue
Buffalo, New York 14202

U.S. Environmental Protection Agency
Public Information Office
Carborundum Center, Suite 530
345 Third Street
Niagara Falls, New York 14303

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EPA, in consultation with NYSDEC, may modify the preferred alternative or select another response action presented in this Plan and the FFS Report based on new information or public comments. Therefore, the public is encouraged to review and comment on all the alternatives identified here.

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SITE BACKGROUND

The Forest Glen Subdivision is located approximately one-half mile north of Porter Road, adjacent to U.S. Interstate 190 in Niagara Falls, New York. The 21-acre Forest Glen Subdivision site consists of, among other things, a subdivision of 51 mobile homes and 2 permanent residences, providing housing to approximately 150 people. The mobile home lots are owned by the residents. Residents of the community include retired citizens and children.

Prior to 1960, the area of the site which is now the subdivision consisted of a wooded wetland. East Gill Creek flowed through the property to the southwest where it eventually joined the main branch which flows to the Niagara River. Sometime during the early 1960's, partial clearing of the area took place and East Gill Creek was rerouted. It appears as if the area was first used for unauthorized waste disposal in the 1950's. Disposal activities continued during the 1960's and through the early 1970's. Records show that a dump fire occurred at the site in 1972.

Prior to 1973, portions of the area were owned by Michigan-Mayne Realty, the Power Authority of the State of New York, and three individuals. In 1973, the entire area which became the subdivision was purchased by Mr. Thomas G. Sottile, who formed the Niagara Falls USA Campsite Corporation. Shortly thereafter, the property was subdivided. The development of the property took place during the mid-1970's. The sale of the properties in the Forest Glen subdivision to individuals began in 1979.

In September 1987, September 1988, and April 1989, EPA conducted investigations at the site, collecting soil, surface water, and sediment samples. The results of the sampling indicated that hazardous substances were present in soils at the site. These substances include polyaromatic hydrocarbons, aniline, phenothiazine, benzothiazole, and mercaptobenzothiazole.

SITE RISKS

Based upon the results of EPA's investigation, the Agency for Toxic Substances and Disease Registry (ATSDR) issued a Preliminary Health Assessment for the area on July 21, 1989. The ATSDR has determined that there is a significant risk to human health for persons living in the Forest Glen subdivision due to conditions which are known to exist and due to conditions which, at present, are unknown but plausible. These include the potential for adverse human health effects resulting from exposure to high levels of soil contaminants during routine outdoor domestic activities (such as gardening, playing, and lawn care), the uncertainty regarding the physical stability of the ground upon which the mobile homes were located, and the potential for contamination of the public water supply under certain conditions. For these reasons, ATSDR recommended that actions be taken immediately to relocate residents of the subdivision.

SCOPE OF OPERABLE UNIT

In order to address the immediate health threat to residents of the Forest Glen subdivision, EPA has divided its response at the site into components called "operable units (OU)." The relocation of residents makes up the first operable unit for the Forest Glen Subdivision site. This first OU has been accelerated to protect the health of residents of the site. Future OUs will address the remediation of contamination at the Forest Glen Subdivision site.

SUMMARY OF REMEDIAL ALTERNATIVES

The FFS evaluates, in detail, three alternatives for relocating residents from the site. These alternatives, which are summarized in the following table, are:

Alternative 1: NO ACTION

Present Worth Cost: $2,050,000 (estimate)
Months to Implement: None

The Superfund program requires that the "no-action" alternative be evaluated at every site to establish a baseline for comparison. Under the no-action alternative, no further action would take place

* * *

ALTERNATIVES ARRAY
FOREST GLEN SUBDIVISION, NY

ALTERNATIVE	DESCRIPTION	COST
1. **No-Action**	- No further actions taken - Temporary relocation no longer offered - Residents currently relocated would continue to be relocated until April 1990 - Site is monitored	$ 2,050,000
2. **Temporary Relocation**	- Temporary relocation continues - FEMA implements temporary relocation - Temporary relocation continues until site is remediated or deemed safe - Site is fenced and secured - Property is maintained	$ 5,717,000 - $11,065,000
3. **Permanent Relocation**	- Residents are permanently relocated - Temporary relocation continues while permanent relocation is being implemented - Site is fenced and secured - Property maintained until purchased	$ 4,251,000 - $ 5,370,000

* * *

at the site to protect the health of site residents. The temporary relocation which is currently being offered to residents would cease and residents that have not been relocated would remain living at the site. At present, approximately one-half of the Forest Glen families have agreed to temporary relocation. Temporary relocation of all residents would cease in April 1990 after the expiration of the temporary relocation program currently being implemented under EPA emergency authorities.

Alternative 2: CONTINUED TEMPORARY RELOCATION OF RESIDENTS

Present Worth Cost: $5,717,000 - $11,065,000 (estimates)
Months to Implement: 60 to 120 (estimates)

Under this alternative, EPA would continue to offer temporary relocation to residents at the site through its agent, the Federal Emergency Management Agency (FEMA). EPA and FEMA have offered temporary relocation to residents at the site as part of an emergency response action prompted by ATSDR's Health Assessment for the site. At present, approximately one-half of the Forest Glen families have agreed to temporary relocation. Relocation would continue for a period of five to ten years until the site has been remediated and the risk to residents has been mitigated.

The site would be fenced and secured to prevent trespassing after temporary relocation of residents was completed. In addition, a program of site security and property maintenance would be required to ensure against vandalism, theft, and deterioration of the homes at the site.

Alternative 3: PERMANENT RELOCATION OF RESIDENTS

Present Worth Cost: $4,251,000 - $5,370,000 (estimates)
Months to Implement: 12 (estimate)

Under this alternative, EPA, in conjunction with FEMA and the State of New York, would permanently relocate all residents from the Forest Glen Subdivision site. Permanent relocation projects would be carried out in two phases: property acquisition and relocation assistance. EPA and FEMA would continue to offer temporary relocation to residents until permanent relocation could be completed. A program of site security and property maintenance would be required to ensure against vandalism, theft, and deterioration of the homes at the site while permanent relocation activities were ongoing.

Under FEMA, permanent relocation projects are carried out in two phases: property acquisition, in which residents are compensated for the value of real property which is being acquired, and relocation assistance, in which residents are assisted in identifying and moving into replacement residences. This FFS evaluates two options for property acquisition, (acquisition of land and moving mobile homes and acquisition of all real property) and two options for relocation assistance, (individual relocation and group relocation). The final alternative will be a combination of one property acquisition option and one relocation assistance option.

Property Acquisition Options

Because several of the homes at Forest Glen are mobile, based on resident preference, the property acquisition phase may include acquisition of land or land and homes as described below.

Option A: Acquisition of Land/Movement of Existing Mobile Homes

Mobile homes which are to be moved would be tested to determine whether they are chemically contaminated and whether they can withstand a move. If the home is found to be uncontaminated or able to be decontaminated and in good structural condition, only land would be acquired and the home could be moved to a new location. If the home is found to be contaminated such that it cannot be economically cleaned or if it is found to be structurally impaired so that moving the home would be impractical, the home would be purchased by the government and the residents offered replacement housing.

Option B: Acquisition of All Real Property

In the acquisition phase, real property in the Forest Glen subdivision would be appraised in accordance with Department of Justice standards to determine its fair market value. Based on fair market value of the property, an offer to purchase is made to each property owner.

Relocation Assistance Options

In response to resident requests, EPA has included individual and group relocation in its analyses.

Option C: Individual Relocation of Residents

Under Option C, households would be relocated on an individual basis according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. In the relocation phase, FEMA would provide assistance to individuals in locating replacement homes or replacement lots.

Option D: Group Relocation of Residents

Under Option D, residents would be relocated to the same neighborhood in circumstances which are comparable to conditions in the Forest Glen subdivision. Residents would either move their existing trailers or would purchase new comparable housing.

Because of the number of residents involved, this option could include purchasing, subdividing, and developing a parcel of land so that individual lots are comparable to those in the Forest Glen subdivision.

At present, EPA is investigating ways in which the federal government could assist residents in implementing group relocation. Residents might require assistance in rezoning or in obtaining zoning variances and/or in engaging a developer.

PREFERRED ALTERNATIVE

The preferred alternative for relocation of Forest Glen residents is Alternative 3, permanent relocation. Based on current information, this alternative would appear to provide the best balance of trade-offs among the alternatives with respect to nine criteria that EPA uses to evaluate alternatives. This section profiles the performance of the preferred alternative against the nine criteria, noting how it compares to the other options under consideration. Within Alternative 3, EPA prefers an option that would include a combination of individual relocation and group relocation to best meet the needs of the community.

Overall Protection of Human Health and the Environment

Alternative 3, permanent relocation, is protective of human health. The protectiveness of Alternative 2 is dependent upon residents agreeing to participate in the temporary relocation program. Both alternatives provide protection by eliminating the pathway for exposure to residents and the public. Alternative 1, no action, is not protective because residents would remain on the site and there would be the potential for continued exposure to site contaminants.

Compliance with Applicable or Relevant and Appropriate Requirements

Alternatives 2 and 3, temporary and permanent relocation, comply with all identified applicable or relevant and appropriate requirements (ARARs). No waiver from ARARs would be required.

Long-term Effectiveness and Permanence

Alternative 3, permanent relocation, provides long-term, permanent removal of residents from the site. Alternative 2, temporary relocation, relies on continuance of the temporary lodging arrangements made by EPA and on continued support by residents, which is unlikely over a period of five to ten years.

In addition, Alternative 2 will only remain effective if the site is remediated to a level which ensures that residents are not at risk when they return to the site at the end of temporary relocation activities. If this is not the case, residents would have to be permanently relocated after the temporary relocation program ends to ensure long-term effectiveness.

Alternative 1, no action, is not effective in the long-term since the potential risk to remaining residents would still exist.

Reduction of Toxicity, Mobility, or Volume Through Treatment

None of the alternatives under consideration utilize treatment. Remediation of the site, including the need for treating contamination at the site, will be considered in future investigations of the site.

Short-Term Effectiveness

Alternative 3, permanent relocation, is protective in the short-term provided residents agree to temporary relocation while permanent relocation is being implemented. Alternative 2, temporary relocation, is effective in the short-term provided residents agree to temporary relocation. This is because temporary relocation could be implemented immediately through FEMA and because EPA would continue to offer temporary relocation to residents until permanent relocation is complete.

Implementability

In the short-term, Alternative 2, temporary relocation, is potentially most easily implementable because it is a continuation of temporary relocation activities currently being conducted at the site. However, there are several long-term considerations which would seriously decrease the implementability of this alternative. If residents continue to resist temporary relocation, the implementability of Alternative 2 could be completely eliminated. In addition, if it is later determined that on-site source materials can not be removed or treated, residents would have to be permanently relocated after years of temporary relocation. This would significantly decrease implementability.

Alternative 3, permanent relocation, is considered to be more implementable since an Interagency Agreement for FEMA assistance with permanent relocation is currently in place. In addition, in the case of Alternatives 2 and 3, future investigations and actions at the site would be very easy to undertake since relocation of residents would provide unlimited access to the site.

There is no need to consider implementability for Alternative 1, no-action. However, this alternative would not facilitate any future remedial work at the site.

Cost

Depending on the options selected under Alternative 3 and the duration of temporary relocation activities under Alternative 2, either Alternative 3, permanent relocation or Alternative 2, temporary relocation, would be the least costly of the action alternatives considered. In some cases, the potential cost differences between Alternatives 2 and 3 could be insignificant. The cost of Alternative 2 is very sensitive to changes in the assumption that residents would be temporarily relocated for five to ten years.

Community Acceptance

Community acceptance will be judged after formal comment on these alternatives. However, some residents of the Forest Glen subdivision have refused offers of temporary relocation in the past and have indicated they will do so in the future. Other residents have indicated that they will accept temporary relocation only as an interim measure while permanent relocation is being implemented. In addition, several residents strongly support Alternative 3, Option D, permanent group relocation and have indicated that they are unwilling to accept permanent relocation unless it includes the possibility of group relocation, as well as individual relocation.

State Acceptance

An alternative that does not provide for the permanent relocation of all residents would not be acceptable to the State.

SUMMARY OF THE PREFERRED ALTERNATIVE

EPA has identified Alternative 3, permanent relocation, as its preferred relocation alternative for Forest Glen residents. Within Alternative 3, EPA prefers an option that would include a combination of individual relocation and group relocation to best meet the needs of the community. Permanent relocation assures protection of human health and is most effective in the long-term because the health of residents would be protected regardless of the type of remediation which is performed at the site in the future. Although it will require approximately one year to implement, the short-term effectiveness of Alternative 3 is increased if residents agree to temporary relocation while permanent relocation is being implemented. In addition, Alternative 3 is more implementable in the long-term since it does not require indefinite temporary relocation of families. Finally, the range of costs of permanent relocation is considerably less than that of Alternative 2, temporary relocation.

EPA considers the preferred remedy for the site, Alternative 3, permanent relocation, to represent the best balance among the evaluation criteria and anticipates that it will satisfy the following statutory requirements to:

- protect human health and the environment;
- comply with ARARs;
- be cost effective; and
- utilize permanent solutions or alternative treatment technologies to the maximum extent practicable.

THE COMMUNITY'S ROLE IN THE SELECTION PROCESS

EPA and NYSDEC rely on public input to ensure that the concerns of the community are considered in selecting an effective remedy for each Superfund site.

EPA has set a public comment period from November 16 through December 8, 1989, to encourage public participation in the selection process. The comment period includes a public meeting at which EPA, with NYSDEC, will present the FFS and Proposed Plan, answer questions, and accept both oral and written comments.
A public meeting is scheduled for 7:30 p.m., November 30, 1989, and will be held at the Niagara Fire Company No. 1, 6010 Lockport Road, Niagara Falls, New York.

Comments will be summarized in writing and responses provided in the Responsiveness Summary appended to the Record of Decision (ROD). The ROD is the document that presents EPA's final selection of a relocation alternative. To send written comments or obtain further information, contact:

Lisa Carson
Project Manager
U.S. Environmental Protection Agency
26 Federal Plaza, Room 29-100
New York, N.Y. 10278
(212) 264-5712

Messages may also be left for Ms. Carson at the EPA Niagara Falls Public Information Office at (716) 285-8842 or the EPA trailer in Forest Glen at (716) 297-0930.

RESPONSIVENESS SUMMARY

ATTACHMENT 2

WRITTEN COMMENTS RECEIVED DURING PUBLIC COMMENT PERIOD

Sufty /Act

GINA DIFRANCO
5710 EDGEWOOD DRIVE
NIAGARA FALLS,NEW YORK 14304
(716) 297-7484

To: William J. Muszynski:

MY COMMENTS ARE AS FOLLOWS:

1ST: My family wants to perminatly relocate as soon as possible. Each and every day we stay in the home at forest glen it's endangering our health.

2nd: I want Tony Girasole to be one of the appraisers for Forest Glen.

3rd: In your feasibility study it states that the mobile home trailers are worth $25,000.00 and the 2 homes are worth $50,000.00. That in reality is just not fair. They are well worth way more than your study shows out to be. I demand it should be much higher.

4th: I want and expect a seperate appraisel done in my home in which I live. I feel for many reasons for myself and the other residents this shall be done.

5th: I feel that if someone moved they should be reimbursed as long as they have their receipts of all the expenses.

6th: Now in my situtation I demand that my family receives the $22500.00 whether or not we own our property or rent. We are no different from anyone else and why should one person get it and not the other. I feel that if I was to rent a place or anyone else, then they would be entitled to $5000.00. I feel if myself or anyone else buys property, then they or anyone should be entitled to the $22500.00. Thats the way it should work. As for your compariable housing there is no place compariable in the school district in which we live, for the amount of rent that I am paying. So how are you going to work out my situtation? Are you going to throw my family in the street or are you going to bend a little and help us get a home to live? Your bending the rules for the reastablisment of the group relocation, why not us too!

7th: As for the $20000.00 business loss, I feel the location of the on and off ramp for back and forth to work and only one exit away from the disbatch office, would be considered worth the $20000.00 itself. What kind of fighting do we have to do to get the right help? Your giving us the hardest time about everything and your treating us like were the criminals but the fact is were the victums and the wittnesses to the dumpings.

Sincerely,
GINA DIFRANCO

C.C. William Reilley
Robert Abrams

Gina DiFranco
Nov. 20, 1989

Terry L. Freiermuth
12 Carrie Drive
Niagara Falls,New York
November 28,1989

Ms. Lisa Carson
Project Manager
U.S. Environmental Protection Agency
26 Federal Plaza, Room 29-100
New York, New York 10278

Dear Lisa,

The following are my comments on the final draft of the Focused Feasability of Relocation Options released November 14, 1989.

Alternative number one, no action, is not a pliable altternative because first, it does not eliminate the hazard to residents. Secondly, it is not cost effective.

Alternative number two, temporary relocation, Table 5-2, is completely inappropriate. Since this relocation is on a volutary basis, it leaves open the option for residents to return if they so choose. This would no longer provide protection from the health hazard. Continued temporary relocation on a projected five to ten year basis is a comlpete waste of tax payers money. It would cost less for a permanent relocation immediately than a continuous temporary relocation.

With regards to Alternative Three, Option A: Aquisition of Land / Movement of Existing Mobile Homes, there are many problems. First, the homes would have to be certified clean. Even if this is the case, most of the homes in this development are unsuitable for a road trip because of lack of axles tongues, age, and permanent alterations which make them impossible to move. Another problem is that there is no land zoned in this area for mobilehome+land ownership. For those who wish to move their hom[illegible]o a park and rent land there is

continued from page 1

no park in the area who has space to accept another home, nor are they willing to accept a mobile from Forest Glen.

As for as I am concerned withOption D of Alternative three: Group Relocation of Residents, there is no feasable way that these people can be relocated as a group because they could not get along with each other. They cannot get along now in Forest Glen! They will battle each other over their settlements, which place will belong to who, who will live next to whom. These people are convinced that the government will just drop a new development on their laps.

In conclusion,Alternative three, Option C: Permanent Relocation with Individual Relocation of Residents is the most feasable option available. It provides for the elimination of the hazard to the residents. It allows for remediation of the site in a relatively short period of time. It is the most cost effective for the outcome that is desired.

Thankyou for the oportunity to comment. I will expect an answer to these comments within thirty days.

Sincerely,

Terry Freiermuth
Forest Glen

Mr. & Mrs. Edward S. Buffamonte
35 Lisa Lane
Niagara Falls, New York 14304

U.S. EPA
Region II
26 Federal Plaza
New York, New York 10278

To Whom it May Concern:

My husband and I own a mobile home and the lot at 35 Lisa Lane, Niagara Falls, Forest Glen, New York. We bought our mobile home brand new in 1985. We bought our land in 1986. We deliberately took a 5 year loan to enable ourselves to be mortgage-free in 1991. I went back to school part-time taking pre-requiste courses for a full-time curriculum at the Universtiy of Buffalo in 1991. All of this was to coincide with our mortgage being paid off in 1991.

Now, as you are aware, our situation is changing. The assessments you quoted in your bulletin are very unrealistic as well as offensive. We've had a real estate appraiser assess our land. The land value is now 11,500$ (you had the land assessed as 2,500$). At this point in time, a new mobile home like ours cost 32,000 and up. That does not include an attached 1½ car garage, concrete driveway, and patio. My husband also installed an awning and built a wood frame around the bottom of our mobile home.

We have been told we will be put in the same situation we are in now. Where are you going to find a situation where our home is paid for in 1991? We will not consider a mobile home in a "trailer park" because that is not where we are now. That is why we bought this land because we did not want to live in a trailer park.

At this time we are concerned about our health and what the future holds as a result of these unknown chemicals.

It is your responsibility to be aware of the disruption in our lives and the considerations that are necessary to satisfy our needs. How would you like to be dealt with or see your family taken care of in this situation?

This situation is so bizarre. We, here at Forest Glen are victims of an atrocious crime. A crime not only to us, as people at this subdivision, but a crime to our environment, to our planet Earth, which we are taking advantage of. How ironic that we the victims of this crime are having to justify our losses!

Sincerely yours,

Edward & [illegible] Buffamonte

Law Department

BP AMERICA

BP America Inc.
200 Public Square, 39-5300-B
Cleveland, Ohio 44114-2375
(216) 586-4141

December 7, 1989

BY EXPRESS MAIL

Ms. Lisa Carson
Project Manager
U.S. Environmental Protection Agency
26 Federal Plaza, Room 29-100
New York, New York 10278

Re: U.S. Environmental Protection Agency Proposed Plan and Focused Feasibility Study of Relocation Options Regarding Forest Glen Subdivision, Niagara Falls, New York.

Dear Ms. Carson:

These comments, on the above captioned plan, are filed are filed for The Carborundum Company and for its corporate parent, BP America Inc. The Carborundum Company ("Carborundum") and BP America Inc. ("BP America") are participating in the Forest Glen Subdivision Superfund Site Ad Hoc Response Group which is also filing comments on this matter.

Although Carborundum and BP America recognize that the United States Environmental Protection Agency ("USEPA") desires to quickly respond the Forest Glen Subdivision Site, Carborundum and BP America received the Proposed Plan and Focused Feasibility Study on December 4, 1989 with a deadline for filing comments of December 8, 1989. Therefore, in order to have sufficient time to adequately respond, Carborundum and BP America request that the Agency extend the comment period.

As a preliminary matter, Carborundum and BP America object to the Agency's action of identifying Carborundum as a potentially responsible party ("PRP") for this Site. Based on the current information in the administrative record and other Agency files, there is not any credible evidence for the Agency to determine that Carborundum is in any way responsible for the Forest Glen Site. Carborundum and BP America submit these comments because the Focused Feasibility Study and the Proposed Plan contain factual flaws as well as innappropriate legal determinations. These comments are made to preserve Carborundum's and BP America's procedural rights and to record their objections to the Study and the Proposed Plan. These comments not intended to be an admission of liability nor are they a waiver of any rights, privileges or defenses by Carborundum or BP America.

As set forth in more detail in comments filed by the Ad Hoc Response Group, there is inadequate factual and legal support for the Agency to determine that there is a risk to the health of the residents which should cause the Site to be listed on the National Priorities List or to provoke actions by the Agency as proposed in the Feasibility Study. Moreover, the Agency has failed to demonstrate why this Site requires such an unusual administrative action and why a full remedial investigation and feasibility study ("RI/FS") need not occur before remedial action is undertaken. This "fast-track" decision process sets a dangerous administrative precedent and may cause an improper remedy to be implemented for the Site. In contrast, a full RI/FS would allow adequate data to be collected which would permit all of the parties to make an informed decision about relocation (temporary or permanent) of the residents as well as a plan for final remediation of the Site.

Carborundum and BP America request that these comments be placed in the administrative record for the Site. Further, the Proposed Plan as well as the Focused Feasibility Study should be revised in accordance with these comments and the more detailed comments filed by the Ad Hoc Response Group.

Sincerely,

Jack L. Litmer

Jack L. Litmer

a:litm0430.ltr

The Goodyear Tire & Rubber Company

Akron, Ohio 44316-0001

LAW DEPARTMENT

December 8, 1989

Ms. Lisa Carson
Project Manager
U.S. Environmental Protection Agency
26 Federal Plaza, Room 29-100
New York, New York 10278

Re: U.S. Environmental Protection Agency Proposed Plan and Focused Feasibility Study of Relocation Options Regarding Forest Glen Subdivision, Niagara Falls, New York

Dear Ms. Carson:

The U.S. Environmental Protection Agency ("EPA") has solicited public comment on its Focused Feasibility Study of Relocation Options concerning the Forest Glen Subdivision located in Niagara Falls, New York dated November 1989 ("FFS") and the Proposed Plan for the Forest Glen Subdivision Site, Niagara Falls, New York dated November 1989 ("Proposed Plan").

EPA has identified more than a dozen individuals and entities as potentially responsible parties with respect to the Forest Glen Subdivision Site ("Site") under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"). These PRPs received special notice letters from EPA early in December. A list of the PRPs is attached to the notice letter. Some of these PRPs have met with EPA to discuss conditions at the Site and EPA's actions; and, after separate review of information with EPA, some of these PRPs intend to meet again with EPA. We are advised that EPA prefers to negotiate with PRPs as a group. Some of the PRPs have expressed an interest in forming a group for further discussions with EPA, but not all of the PRPs have concluded their review of information with EPA. The comments herein are on behalf of The Goodyear Tire & Rubber Company ("Goodyear"), The Carborundum Company

("Carborundum") and its corporate parent, BP America, Inc. ("BP America"),[1] and on behalf of other PRPs who wish to participate in the Ad Hoc Response Group and join in these comments.

Based on information made available to date, Goodyear does not believe that a valid basis exists for treating it as a potentially responsible party with respect to the Site. The following comments are being submitted because the FFS and the Proposed Plan appear flawed. Neither these comments nor their submission is intended or should be construed as an admission, acceptance or acknowledgment of any fault, responsibility or liability on the part of Goodyear, BP America or Carborundum, or as a waiver of any rights, privileges or defenses by Goodyear, BP America or Carborundum or any of its officers, employees, agents or representatives.

Summary

Available information is inadequate to support a determination under CERCLA or otherwise that there is a health risk to residents sufficient to warrant listing the Site on the National Priorities List or taking the actions set forth in the FFS. Assuming further investigative efforts are undertaken, a remedial investigation and feasibility study ("RI/FS") should be conducted to develop the necessary information to make an informed decision regarding health risk, and any appropriate remediation at the Site. The FFS fails to demonstrate why the RI/FS cannot be done (a) without relocating residents, particularly in view of the preventive measures already taken by EPA and EPA's findings of no contamination in the mobile homes or ambient air, or alternatively, (b) without short term, temporary relocation limited to periods during the RI/FS when intrusive activities are conducted for which there is no other feasible means to protect residents from any significant health risk. The types of RI/FS activities cited by EPA as justifying relocation, e.g., drilling and sampling, should occur only for brief periods during the estimated 18 month time the RI/FS will take.

Once the RI/FS is completed and an adequate data base exists, all parties will be in a position to make an informed decision whether relocation or other actions are necessary. If a significant health risk were present and other cost effective remedies were not available, then relocation would certainly warrant full and fair consideration -- but this does not appear at present to be the case.

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[1] Carborundum and BP America have submitted additional comments by letter dated December 7, 1989.

EPA's Proposed Action Is Not Supported By the Record

EPA's proposed action is based entirely on the Preliminary Health Assessment ("PHA") performed by the Agency for Toxic Substances and Disease Registry ("ATSDR") in July of this year.[2]

The PHA is inadequate to support the actions proposed in the FFS. The PHA is not based on accepted scientific standards or protocols for conducting health risk assessments, as more fully demonstrated below.

Moreover, subsequent to the PHA, EPA has undertaken several precautionary steps to reduce perceived risk at the Site through contact with any contaminated soils - which was the principal risk cited by ATSDR. These measures include collecting and securing drums of waste located in certain areas outside the residential area, installation of fencing around suspected areas of contamination in wooded areas north and south of the subdivision, and covering with concrete areas where contaminants were visibly observed.

EPA has also determined, based on air sampling data, that there is "no evidence of residential exposure by inhalation of ambient air...," FFS (p. 15), and following extensive analysis of samples taken inside residences at the Site, including dust tests and vacuum samples, EPA has determined there is no threat of exposure from contamination in the residences. In light of these developments, EPA has stated that

> "one would not expect to find contamination in homes because areas of Forest Glen with high levels of chemicals are covered, the chemicals are not very soluble, and the area is not dusty . . . . In order to get into homes, . . .

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[2] EPA's proposed action is not, and could not be, based upon qualification of the Site as a proper subject for remedial action under the normally utilized CERCLA hazard ranking system ("HRS") for identifying priority sites. An assessment of the Site was made under the HRS and it scored well below the threshold level (6.5 vs. the threshold level of 28.5) necessary for it to qualify as a priority site.

> it would have to be tracked in and that's not likely since the hot spots are covered." Niagara Gazette, September 2, 1989 at 1A.

EPA's findings and precautionary measures were not reflected in the PHA which EPA is relying on to justify relocation now.

As earlier noted, ATSDR cited potential exposure to contaminants in soil during routine outdoor domestic activities such as gardening, playing and lawn care as the primary ② health risk at the Site. Not only are precautionary measures available to address this risk, but there is no documented history of any health problems or concerns relating to any such exposure to soil contamination.

EPA's contractor, NUS Corporation, found when assessing the Site under the HRS that "[T]he site was not scored for an observed incident, as there are no documented reports of injury, illness or deaths from exposure." Final Draft Hazard Ranking System Report, Forest Glen Subdivision, Niagara Falls, New York at 18 (as revised August 3, 1989). ("NUS HRS Report"). ATSDR's concern appears based principally on anecdotal data of exposure. While this type of information may be useful in conducting an analysis of potential exposure and its effects, it most certainly would not be ③ relied upon for scientifically valid conclusions. Under established scientific standards, self-reported instances would not be viewed as probative of potential health risks. Rather, independent and objective health data, including verification of claimed exposures and any related health problems, would normally be developed and relied on by health authorities.

Further, even were potential exposure a problem, it has been and could continue to be addressed through covering the areas of contamination as EPA has done, as well as cautions against engaging in activities which might result in exposure during the RI/FS period.

ATSDR's assessment was also based upon second-hand ④ data. ATSDR assumed that "adequate quality assurance and quality control measures were followed" in developing the data base used for the PHA. PHA at 3. However, there is no evidence of this in the available administrative record.

One of the most serious faults in ATSDR's approach was its failure to demonstrate associations between exposures ⑤ and health effects - a finding necessary to establishing that a health risk exists. Although ATSDR concluded from EPA's sample analyses that there were chemicals at elevated concentrations in soils, and from anecdotal accounts, that there may have been direct contacts with certain chemicals in the soils, it did not link these alleged direct contacts with any particular chemicals or any particular levels of concentration. Nor were any potential exposures linked to specific health problems among Forest Glen residents.

⑦ ATSDR also does not appear to have consulted all available information with respect to contaminants it regarded of concern at the Site. This information casts considerable doubt on ATSDR's conclusions regarding potential health risks. For example aniline, which ATSDR cited as a possible source of cancer risk, is rapidly biodegraded by chemical transformations in water, air and soil. In addition, because the half-life of aniline in soil is known to be less than one week, it is unlikely to be persistent in the environment and bioavailable. See Health and Environmental Effects Profile for Aniline, USEPA (September 1985, at 18).

⑥ Similarly PAHs, the other chemicals about which ATSDR expressed a concern regarding potential cancer risk, have very low water solubility and high rates of adsorption to soil. Therefore, they would not be expected to have a high mobility in soils, nor be readily bioavailable through common human exposure pathways.

Even when ATSDR did discuss certain literature on health effects, its interpretation failed to account for significant differences between the situations being reported in the literature and the Site. As ASTDR acknowledged, the evidence on which it relied that allegedly links human health effects to aniline, PAHs, phenothiazine, and mercaptobenzothiazole is derived primarily from studies of workers in occupational settings and others experiencing high exposures. PHA at 6,7. Circumstances and levels of exposure in the workplace, however, are very different from the circumstances and levels of exposure possible at the Site. For example, the asserted cancer concern with respect to humans and PAHs is derived from studies of coke-oven workers who inhaled levels of PAHs at least a thousand times higher than any inhalation exposure which would appear even possible at the Site. Indeed, as EPA's contractor NUS Corporation found, volatilization is apparently not a problem at the Site -- NUS found air at background levels and discovered no hazardous substances in any samples collected beneath trailers at the Site and from other selected locations on Site. NUS HRS Report at 1, 12. Further, the skin contact cancer risk purported to be associated with PAHs is not with the PAHs per se, but with

8 coal tar and pitch which contain these compounds. Health Effects Assessment for Polycyclic Aromatic Hydrocarbons (PAHs), USEPA (September 1984) at 28. ATSDR presented no evidence that Forest Glen residents were exposed to pitch and coal tar at the Site.

9 As regards aniline, the occupational studies to which ATSDR referred do not link aniline to cancer but, rather, to increased levels of methemoglobin in the blood. As to it, ATSDR stated that while exposure to aniline in areas where high concentrations were found at the site "could possibly" result in a "slight increase" of this substance in the blood, this "may not be of any clinical significance." PHA, at 6, 7.[3]

10 These considerations highlight the necessity for conducting site-specific, exposure pathway modeling based upon detailed site information to construct a valid assessment of any potential health risk. This was not done by ATSDR here, although such procedures have been followed at other sites, such as Times Beach, Missouri.[4] Without such analyses, particularly in light of the precautionary measures that have been taken since ATSDR issued its assessment, a scientifically valid health risk assessment is not possible, and applicable legal standards cannot and have not been met.

11 In sum, ATSDR did not demonstrate that exposures to high concentrations of identified chemicals of concern has in fact occurred at the Site or that any likely exposure would lead to significant health effects or health risks.

In addition to potential exposure to soil contamination, ATSDR cited possible contamination of drinking water as a basis for its health advisory. However, the residents are supplied with public drinking water, and there is no evidence that it is contaminated.

12 A final risk alleged by ATSDR relates to the possibility of subsidence of fill underlying parts of the Site.

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[3] No direct evidence exists that aniline causes cancer in humans. The only studies even arguably linking aniline to cancer are animal studies in which laboratory rats were fed "large doses" of aniline. PHA, at 6.

[4] Lack of such an analysis is also contrary to EPA's development and use of baseline risk assessments in CERCLA matters. See, e.g., EPA Superfund Public Health Evaluation Manual (October 1986).

This appears based entirely on speculation. No reported instances of any subsidence appear in the administrative record, and the Site had been occupied for over ten years.

Available Options

EPA's analysis of options appears to proceed on the assumption that the RI/FS will confirm its view that there is a significant health risk at the Site and that extended relocation will be necessary. In effect, EPA appears to have prejudged the results of any RI/FS -- an approach which is unwarranted and at odds with CERCLA.

EPA also has summarily dismissed, without adequate justification, the option of doing the RI/FS without relocation or, alternatively, with limited relocation during any specific activities for which other protective measures are unavailable. The FFS merely states that on-site options would not protect public health during field operations or allow adequate access to the Site. We believe this option warrants detailed analysis and full consideration since it would minimize short-term disruption of the residents and appears best suited to develop the necessary information for all concerned to make informed decisions.

While an RI/FS will likely include subsurface soil sampling and drilling, which may generate some volatile vapors and expose some wastes at the Site, these activities should only occupy a small part of the estimated 18 months for the RI/FS, and means appear available to eliminate any risk of exposure from these activities. EPA, however, assumes potential exposure from these activities will occur over the entire RI/FS period and that protective measures are not available. It also fails to consider the possibility of limited, temporary relocation during any period intrusive activities are conducted for which no other protective measure is available.

The purpose of an RI/FS is to gather sufficient, scientifically valid information from which to assess whether there is in fact a significant risk and, if so, what the most appropriate measures would be to address any such risk. An RI/FS also should be accompanied by a health risk assessment which meets accepted scientific standards and the requirements of CERCLA. It would thus be most consistent with CERCLA and development of an overall effective remedy to await the results of an RI/FS as well as an acceptable health risk assessment before jumping to the conclusion that extended relocation, whether temporary or permanent, is necessary.[5] EPA has a clear obligation under CERCLA and to the residents to examine this option fully.

A final basis cited by EPA to relocate residents before conducting the RI/FS is that such action is necessary to obtain access to the Site.[6] Indeed, EPA alleges in the FFS that Edgewood Drive is the only means of access to the subdivision. This appears contrary to the situation at the Site, which appears to afford other means of access and ways to avoid substantial intrusions on the residents. For example, there is a substantial area to the north of the subdivision which is clear and there is a service road bordering the Site, both of which would appear available for use in storing machinery and equipment necessary to conduct the RI/FS. Again, EPA has not provided a detailed examination of the option of on-site activities, but rather has dismissed it in a manner which is not consistent with the dictates of CERCLA or its responsibilities to the public.

Other Comments

If the only options under consideration were those presented in the FFS, Goodyear, BP America and Carborundum believe that the second option - that of temporary relocation, followed by later returns to the Site, should be clearly rejected; it is unreasonable not only as a matter of cost, but also in its treatment of the residents.

In discussing the property acquisition phase of the proposed permanent relocation, EPA states at page 26 of the FFS that real property would be appraised in accordance with Department of Justice standards to determine its fair market value. A citation to these standards should be provided and/or a copy appended to the FFS so that the public has an opportunity to review them.

The FFS provides tables which purport to list the basic cost items associated with the options under consideration. However, it fails to include any detailed explanation or justification either to substantiate or evaluate how these costs were determined, what alternatives were considered in selecting the identified costs, and how the costs relate to applicable regulation and guidelines. Without this type of detailed information, it is not possible meaningfully to evaluate either the alternatives or the alleged costs associated with them.

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[5] Any decision to undertake epidemiological or other health studies, surveys, registries, etc. are premature and unwarranted unless and until an acceptable health risk assessment is completed and evaluated.

[6] EPA and FEMA have already installed two trailers at the Site, and EPA contractors have collected over 150 samples, as well as gathered and secured waste drums and concreted over Site areas - all with no apparent difficulty in gaining access to the Site.

At page 28 of the FFS, EPA implies that the cost of group relocation, if adopted, would be no more than the cost of individual relocation. However, it does not set out in any detail the basis for this conclusion. For example, group relocation would likely involve development of a new site, including a variety of common costs for site development. If individuals relocated to established areas, these costs would not be involved. EPA should explain more fully how it would ensure that if group relocation is selected (and it does not appear to be authorised under the applicable statute or regulations), the cost does not exceed the cost of relocation were each individual household to relocate under the applicable requirements.

It is requested that these comments be placed in the administrative record for the Site, and that the FFS and Proposed Plan be revised in accordance with them.

Sincerely,

Neal T. Rountree

Neal T. Rountree
Attorney

1633 Broadway
New York, New York 10019
212 468.6131

New York Power Authority

Gerald C. Goldstein
Assistant General Counsel

December 8, 1989

Ms. Gloria M. Sosa
United States Environmental
Protection Agency
Region II - 2-ERRD
26 Federal Plaza
New York, N.Y. 10278

Dear Ms. Sosa:

I enclose the New York Power Authority's comments to the Environmental Protection Agency's *Focused Feasibility Study of Relocation Options* (FFS) and *Proposed Plan for Forest Glen Subdivision Sites* (Proposed Plan).

EPA designated the Power Authority a Potentially Responsible Party on the basis of prior ownership of the land north of the Forest Glen Subdivision and not as a generator, hauler or disposer of hazardous substances. The Power Authority owned the open field to the north of the Forest Glen Subdivision from May 1958 to July 5, 1973. Throughout the discussions and correspondence between the EPA and the Power Authority, we have documented the lack of any basis for EPA's associating the conditions on the northern open field area with the Subdivision. Though the FFS states that it includes the area north of the Subdivision as part of the study area (FSS page 2), neither the FFS nor the Proposed Plan establish any connection between conditions on the open land and the need for remedial action at the Subdivision. The Power Authority requests EPA to address these concerns.

Finally, the nine (9) days allowed by EPA to comment was inadequate. This objection is based, in part, on the fact that the FFS and Proposed Plan were released on November 17, 1989 and only sent to the Power Authority on November 29, 1989.

Very truly yours,

Gerald C Goldstein

cc: Stephen D. Luftig - EPA
Lisa Carson - EPA

NEW YORK POWER AUTHORITY COMMENTS ON
EPA FOCUSED FEASIBILITY STUDY OF
RELOCATION OPTIONS FOR FOREST GLEN SUBDIVISION

Chapter 1 - Introduction

The first paragraph (FFS page 1) states that the ATSDR's Health Assessment for Forest Glen was based upon sampling data taken by the U.S. Environmental Protection Agency. The ATSDR Health Assessment should be appended to the Focused Feasibility Study (FFS). Also any reports prepared by EPA which evaluate the data sampling program and the accuracy of the results as well as the conclusions to be drawn from the raw data should be referenced in the FFS and available for comment.

Chapter 2 - Site Background

In the first paragraph (FFS page 2) EPA describes the "entire site" as consisting of 21 acres of residential and undeveloped land. The second paragraph refers to 51 mobile homes and 2 permanent residences that are the subject of the FFS are located on approximately 8 acres. EPA includes the large open field to the north of the Subdivision as part of the study area. The FFS should therefore discuss the effect, if any, that conditions in the field to the north had on EPA's determination to relocate residents of the subdivision. EPA has included the large open field in the study without any documentation of impacts of contamination, if any, on the subdivision. This EPA action contradicts information supplied to EPA by the present site owner and the Power Authority.

The third paragraph (FFS page 2) states that "unauthorized disposal activities in the [subdivision] area by waste haulers may have begun in the early 1950's and continued during the 1960's and through the early 1970's." In fact, EPA obtained witnesses' statements indicating that illegal dumping occurred during that period at the end of Edgewood Drive and may have continued through the 1970's. Moreover, since little investigation of the site history beyond the mid-1970's has taken place, there is no indication of what occurred from the mid-1970's to date.

In the fourth paragraph (FFS page 2) EPA states that "[p]rior to 1973, portions of the area [subdivision] were owned by Michigan-Mayne Realty, the Power Authority of the State of New York, which owns the undeveloped land north of the site residences, and three individuals, Ernest Booth, James Strong and Sanford Brownles." This is an erroneous statement. The Power Authority does not own the land north of the subdivision. As stated in the Power Authority responses to EPA information requests, the Authority transferred the property north of the subdivision to Mr. Guy Sottile and U.S.A. Campsites in 1973. As stated to EPA by the Forest Glen Subdivision developer, "[t]he Power Authority land has nothing to do with the Forest Glen

Subdivision." (See Sottile April 26, 1989 response to EPA Information Request).

In both the eighth (FFS page 5) and tenth (FFS page 6) paragraphs EPA describes the presence of drums of waste on the site. In the eighth paragraph it is noted that EPA ordered the PRPs (Sottile, U.S.A. Campsites and Ernest Booth) "to secure drums and containers at the [subdivision] site which were leaking or in immediate danger of leaking." The FFS should reference the location of the drums and containers and EPA's analysis which determined that they contained hazardous waste or pollutants that would endanger the public health. In the tenth paragraph (FFS page 6) the FFS refers to "securing drums of waste that were located in the areas north and east of the subdivision." This statement is contrary to the information provided by the EPA to the Power Authority. EPA stated that only drum fragments were discovered and not intact drums containing any materials. If that is the case the FFS should so indicate. If intact drums were uncovered, the FFS should indicate the location, condition and quantity of drums found and whether they contained waste which was hazardous.

Chapter 3 - Site Characterization

The second paragraph (FFS page 8) discusses EPA's soil sampling program of September 27-29, 1988. EPA states that "[c]ontamination was found in the undeveloped areas north and east of the site." However, a figure showing the sampling locations reveals that no sampling was undertaken in the undeveloped areas north of the subdivision.

The third paragraph (FFS page 8) describes on-site tests performed on April 13, 1989. This description of the tests should include the sample location and the basis for selecting the locations. The FFS also states that "[s]amples which were analyzed were extremely contaminated. In a few cases, nuggets and minute pockets of almost pure waste were seen by the operator, causing problems with concentrating several samples." The FFS should define "extremely contaminated" and particularly state whether the contamination was from hazardous waste or non-hazardous waste. Similarly the FFS should indicate the type of "pure waste" that was seen by the operator and whether it was hazardous waste. Finally, in light of EPA difficulty in collecting samples and the apparent sample variances, the FFS should indicate the confidence level associated with the estimated TIC concentrations.

The fourth paragraph (FFS page 8) describes EPA's May 22, 1989 soil sampling program. It notes that, unlike the September 27-29, 1988 sampling, no volatile organics or semi-volatile organics were found. It does not, however, indicate the reason for this discrepancy and the significance of these results. These sampling inconsistencies should be reconciled. The fifth paragraph (FFS page 9) describes the results of samples taken August 1, 1989 from all residences in the Forest Glen Subdivision. As with prior sampling, the results of the May 22, 1989 and August 1, 1989 sampling should be tabulated in the FFS. The FFS should also indicate whether ATSDR has considered the results of these samplings and their impact on ATSDR's previous determinations.

Chapter 4 - Site Risks

As noted in the first paragraph (FFS page 15) ATSDR determination on March 9, 1989 was based upon information available "at that time." Similarly ATSDR's Health Assessment "is the basis for EPA's determination that site conditions pose a risk to residents of the site." There is no indication in the report that the results of EPA's May 22, 1989 sampling was considered by ATSDR prior to its July 21, 1989 recommendation. Moreover the results of EPA's August 1, 1989 sample certainly were not considered by ATSDR. Since the results of the May and August sampling appear to differ from previous results upon which ATSDR's recommendation is based, the FFS should discuss ATSDR's evaluation of recent data and the resulting consequences to the ATSDR's July 21, 1989 recommendation.

Chapter 5 - Development and Screening of Alternatives

Under "Option D: Group Relocation of Residents," (FFS page 27) the FFS notes that this option could include purchasing the property, subdividing property and developing a parcel of land. Group relocation may also require installation of water, sewer, gas and electric utilities and roads. EPA has estimated that both the group relocation option and the individual relocation option which would allow use of existing housing stock will cost the same. This conclusion is not supported by the FFS.

Under the heading "ARARs" (FFS page 29) the FFS indicates that there are no environmental laws associated with the group relocation alternative. However the development of a new subdivision will require compliance with several local and state land use and environmental laws and regulations. The environmental impacts associated with the use of undeveloped property instead of existing housing stock should be discussed. As noted there is no substantiation in the FFS for the costs presented in Table 5-3. Moreover the description of the costs is inadequate. For example, some of the properties in Forest Glen are owned by absentee landlords. Are both resident's and owner's claims addressed in EPA analysis? Since the entire process may take 1-1/2 to 3 years minimum are the costs calculated in 1989 dollars or current dollars? What does EPA estimate will be site development costs for a new subdivision?

Table 5-5 indicates that a mobile home that is decontaminated would have a resale value of $3,500. Table 5-4 indicates that a value of $3,200 was assumed for the lots. If the mobile homes have a resale value of $3,500 and the estimated fair market value of a parcel value is $3,200, how does EPA arrive at a purchase price of $25,000 for a mobile home and lot?

__Chapter 6 - Detailed Analysis of Alternatives__

On page 41, in reviewing "Overall Protection of Human Health and the Environment," the FFS fails to discuss the environmental impacts of developing a new subdivision instead of utilizing existing housing stock or space in existing developments.

On page 42 the FFS fails to list the Applicable or Relevant and Appropriate Requirements (ARARs) which EPA has "identified" as applicable. These state and federal requirements, standards and criteria and/or limitations considered applicable by EPA should be listed to assure that they indeed have been considered.

NEW YORK POWER AUTHORITY
COMMENTS ON EPA PROPOSED PLAN
FOR FOREST GLEN SUBDIVISION SITE

These comments incorporate and supplement NYPA's comments on EPA *Focused Feasibility Study of Relocation Options* on the Forest Glen Subdivision site (FFS).

Site Background

The introduction to the Proposed Plan EPA defines the Forest Glen site as the Forest Glen Subdivision site. The FFS confuses the subdivision site with the more expansive site that EPA has designated a CERCLA site. (See Power Authority's comment on Chapter 1 of the FFS). That confusion and expansion continues in the Proposed Plan.

The description of disposal activities on the site appears to be incomplete. There is no indication that any hazardous waste disposal took place on the open land to the north before July 5, 1973. Moreover the information provided to the Power Authority by EPA indicates that dumping may have occurred through the 1970's and possibly into the 1980's.

Site Risks

See NYPA'S comments on the FFS Chapter 4.

Summary of Remedial Alternatives

See NYPA's comments on the FFS Chapters 5 and 6.

The Goodyear Tire & Rubber Company

Akron, Ohio 44316-0001

LAW DEPARTMENT

December 18, 1989

Ms. Lisa Carson
Project Manager
U.S. Environmental Protection
Agency
26 Federal Plaza, Room 26-100
New York, NY 10278

Re: U.S. Environmental Protection Agency
Proposed Plan and Focused Feasibility
Study of Relocation Options Regarding
Forest Glen Subdivision, Niagara Falls,
New York

Dear Ms. Carson:

Gloria Sosa of the U.S. Environmental Protection Agency, Region II ("EPA") has informed us that the period for submitting comments on EPA's Focused Feasibility Study of Relocation Options ("FFS"), and the Proposed Plan (Proposed Plan") for the Forest Glen Subdivision Site in Niagara Falls, New York ("Site") has been extended to and including December 18, 1989. The following comments are submitted by The Goodyear Tire & Rubber Company ("Goodyear") as a supplement to its comments submitted to EPA on December 8, 1989.

On November 29, 1989, prior to receiving comments on the FFS and the Proposed Plan, EPA issued Special Notice Letters to alleged potentially responsible parties ("PRPs") pursuant to The Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9622(e). The Special Notice Letters initiated a 60 day period during which the PRPs are encouraged to organize and negotiate with EPA concerning the conduct and/or financing of the Proposed Plan. We believe issuance of Special Notice Letters was premature and unwarranted. The principal reason for this is that the Proposed Plan has not been finally selected by EPA; rather, EPA has solicited public comments on the FFS and Proposed Plan, and comments have been submitted to EPA by Goopdyear and other PRPs which raise significant questions concerning EPA's recommended action. EPA is bound to consider these comments fully and to reflect them in any final decision it makes.

To initiate negotiations on a proposal which has not been finally selected and about which significant issues have been raised is not only fundamentally unfair to PRPs, but is not cost-effective or in accordance with other requirements of CERCLA. Goodyear therefore requests that the Special Notice Letters be withdrawn by EPA and that any negotiations concerning PRP involvement in remedial action at the Site await EPA's final selection of a remedial action in accordance with CERCLA.

Neither these comments nor their submission is intended or should be construed as an admission, acceptance or acknowledgment of any fault, responsibility or liability on the part of Goodyear, or as a waiver of any rights, privileges or defenses by Goodyear or any of its officers, employees, agents or representatives.

It is requested that these comments be placed in the administrative record for the Site and be fully considered by EPA.

Sincerely,

Neal T. Rountree

Neal T. Rountree
Attorney

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*ADMITTED ALSO IN FLORIDA
**ADMITTED ALSO IN TEXAS

December 18, 1989

EXPRESS MAIL

Ms. Lisa Carson, Project Manager
U.S. Environmental Protection Agency
26 Federal Plaza
Room 29-100
New York, New York 10278

Re: United States Environmental Protection Agency Proposed Plan and Focused Feasibility Study of Relocation Options Regarding Forest Glen Subdivision, Niagara Falls, New York

Dear Ms. Carson:

We are counsel to Moore Business Forms, Inc. ("Moore").

We are in receipt of a letter dated November 29, 1989 with respect to a special notice concerning the Forest Glen Subdivision ("Site"). In this letter, the United States Environmental Protection Agency ("EPA") indicated that our client is considered a potentially responsible party ("PRP") under §107(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"). The EPA has also solicited public comments, including those from PRPs, on its

Focused Feasibility Study of Relocation Options ("FFS") and Proposed Plan for the Forest Glen Subdivision Site ("Proposed Plan").

In prior written correspondence and during informal meetings with EPA representatives, we have stated our concern regarding the EPA's impropriety in continuing to characterize Moore as a PRP under §107. In this regard, the EPA has confirmed that there is scant and insubstantial evidence in the Agency's possession in support of its characterization of Moore as a PRP. Moreover, this alleged inconclusive evidence is itself contradictory with respect to any connection our client might have with the Site.

Under the EPA Interim Guidance on Notice Letters, Negotiations and Information Exchange under §122 of CERCLA, 53 FR 5298, February 23, 1988, the EPA is required to first establish sufficient evidence of potential liability under §107 of CERCLA before notice letters are to be sent to a "party." On the basis of the information which the EPA has made available to us to date, it is apparent that there is clearly insufficient evidence to support a designation of Moore as a PRP. Therefore, as a result of its objection to its characterization as a PRP and as a result of the limited information provided to it by the EPA, Moore does not feel it is in a position to provide detailed comment, at this time, to the EPA's proposed remediation efforts which are reflected in the FFS and Proposed Plan. However, and notwithstanding the above, we note that we are in receipt of copies of comments submitted by companies also designated as PRPs which question the testing protocols, test results and the basis upon which the Proposed Plan has been developed. These comments confirm that little, if any, PRP involvement was solicited in the preparation of the FFS, Proposed Plan or, for that matter, the testing and analysis which preceded the publication of such FSS or Proposed Plan. We concur with their suggestion that the EPA should conduct a more careful and detailed anaylsis of the Forest Glen Site before the Proposed Plan is accepted or implemented.

Further, based upon the information provided to us from the EPA, the EPA has, at the present, sought to identify only approximately a dozen entities/individuals as PRPs in connection with the Site under the authority of CERCLA, notwithstanding the fact that a number of other companies should properly be classified as PRPs. Urging the approximately twelve alleged PRPs to fund the Proposed Plan without conducting a comprehensive PRP search is, in our opinion, an abuse of the EPA's statutory authority.

We request that this letter be placed in the administrative record for the Forest Glen Site.

Very truly yours,

COHEN SWADOS WRIGHT HANIFIN
BRADFORD & BRETT

By
Laurence B. Oppenheimer

LBO:mat

RESPONSIVENESS SUMMARY

ATTACHMENT 3

TRANSCRIPT OF PUBLIC MEETING HELD ON NOVEMBER 30, 1989

ORIGINAL

Jack W. Hunt
C.S.R., R.P.R.
C.E.O

Kevin R. Hunt
C.S.R., R.P.R.
President

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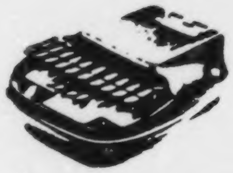

THE RECORD NEVER FORGETS

IN RE:
U.S. ENVIRONMENTAL PROTECTION AGENCY
FOCUSED FEASIBILITY STUDY FOR
FOREST GLEN SUBDIVISION..

Public Hearing held at the Niagara Fire Company #1, 6010 Lockport Road, Town of Niagara, New York, on November 30, 1989, commencing at 7:45 p.m., before JOAN M. METZGER, C.S.R., Notary Public.

PRESENT:
WILLIAM McCABE, EPA,
LISA CARSON, EPA,
CHARLES ROBINSON, FEMA,
ROBERT VOLLAND, FEMA.

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Forest Glen Public Meeting/November 30, 1989

LIST OF ATTENDEES (PUBLIC AND OTHERS)

Name	Address	Agency/Affiliation
Dorothy Janicki	30 T. Mark Dr	Forest Glen
Genevieve Janicki	19 T-Mark Dr	" "
Mr & Mrs Clarence Barnett	24T Mark Dr	" "
Mrs. Elizabeth Carter	42 Lisa Lane	" "
Anthony J [illegible]	55 Lisa Lane	"
Doris Atkinson	55 Lisa Lane	Forest Glen
Frank Knop	64 T-Mark	—
[illegible]	5710 Edgewood Dr	—
Chris [illegible]	31 LISA LN NF NY	FOREST GLEN
Helen [illegible]		
Patricia Williamson	56 Lisa Lane	Forest Glen
Willie Williams	63 Lisa Lane	
Don Ernst	2 carrie	7-4
Shirly [illegible]	2 "	7-4.
Dorothy Ferguson	51 Lisa Lane	"
Lonnie Baker	48 Lisa Lane	"
Mr+Mrs Paul Ryck	4 Carrie Dr	"
Bernie K[illegible]	27-T Mark Rd.	"

Forest Glen Public Meeting/November 30, 1989

LIST OF ATTENDEES (PUBLIC AND OTHERS)

Name	Address	Agency/Affiliation
Sherry Buttenworth	Lisa Lane	Forest Glenn
Neal Rountree	River Road	Nia F
L Murphy	"	"
R H Billmyer	"	"
Ruth A Bob Varley	45 Lisa Lane	Forest Glen
Robert & Paula Petersen	23 T Mark	Forest Glen
Rud + Lori Heller	44 Lisa Lane	Forest Glen
Thelma & Paul Maffe	57 Lisa Lane	" " " "
Ed Bauer	29 T Mark	" "
Dan Tyminiack	21 T. MARK	" "
② Gary & Bonnie L Kavanagh	402 Riverview Dr Youngstown	FEMA Forest Glen
Myra Rodgers	11 Carrie Dr	Forest Glen
Murray & Marie Young	9 Carrie Drive	Forest Glen
Kathy Tony Bert & Shawn	/ / / /	/ / /
Jennyfer Fremont	12 Carrie Dr NF	Forest Glen
~~[illegible]~~	~~[illegible]~~	~~[illegible]~~
Peggy Rauf	Regional Representative of Gov. Cuomo	Dept of State
Nick Ryfflow	39 Lisa Lane	Forest Glen

Forest Glen Public Meeting/November 30, 1989

LIST OF ATTENDEES (PUBLIC AND OTHERS)

Name	Address	Agency/Affiliation
Joann Hale		Allen, Lippes & Shonn
Dana Louttit	1260 Delaware Buffalo NY 14209	Allen, Lippes & Shonn
Patricia A. [illegible]	559-4th St Niagara Falls	ETF
Pat Medige	30 Niagara St. NF	Niagara Gaz
Karen Harris	52 Lisa Lane	Forest Glen Resident

MR. McCABE: Good evening, ladies and gentlemen. My name's Bill McCabe. I'm with the U.S. Environmental Protection Agency. With me at the table are Lisa Voigt, to my left, the project manager for the site, and to -- Lisa Carson, sorry, project manager for the site; and to my right, two representatives of FEMA, Bob Volland and Charlie Robinson.

We are here to discuss and to receive input from you concerning the Superfund site, Forest Glen subdivision Superfund site. As I say, the purpose of the meeting is to get your input such that EPA can make an informed decision concerning the site. What we're looking for is, after the alternatives are presented to you by Lisa, that you make comments; and what we have to do, since this is a public meeting, it's a formal process, we have a court stenographer here who is recording this, and there will be a transcript which is part of the official record. I have to ask that everyone stand up to the microphone there and identify themselves so that we can have a proper transcript.

As part of our community relations process, the -- we have held -- we're holding this public meeting. The process started with the public comment period which was opened on November 17th, 1989. The comment period is expected to close on December 8th, 1989. This meeting, as I said, is part of our community relations program.

The -- our best information at this point and that -- we will get into the reasons for this, but our present schedule is to sign a record of decision, which is the agency's documentation with the concurrence of the State of New York, to sign a record of decision about December 15th. We're hoping to keep that date. We have mentioned that before at the public availability session that we held, and we're still intending to keep that date.

After that time we would then get into the -- and concurrent actually -- the appraisal process which I'm sure you'll have questions about later for our FEMA representatives.

Earlier today we had a group relocation presentation. I can't get -- and we can't get into the specifics of the -- of that presentation, but what we will do is go back to our respective offices, FEMA and EPA, and get together and discuss it in more detail; so for now that's about all I think we can say about it.

One thing actually I would like to say about it, which I mentioned earlier today, was that at some point in time both EPA and New York State and, of course, FEMA, will need a commitment of some sort from those who are interested in group relocation, should that be the selected alternative which is, of course, the way we're heading now; and as I stated earlier today, the commitment would be at the time that you have sufficient information to make such a commitment, that information including things like the appraisals, the amount of money that's available, what options you have, et cetera.

The reason for that is that if -- EPA cannot expend public funds, building, as, for instance, an infrastructure like sewers, roads, et cetera, for, as an example, 40 people and only ten people decide at the last minute that they're interested in relocation, so anyway, we will -- I have to get together with my attorneys and decide exactly what we need to do; but it is something that's needed by EPA, FEMA, and the State of New York.

Before I turn the presentation over to Lisa who will go through the alternatives, which I think most of you are familiar with, I would just like to mention that we did make copies, and I believe quite a few of them picked them up before, of the uniform appraisal standards for federal land acquisitions. There are a few copies available over here at the table, and should you need any others, you can contact Mike Easile and he will have more copies made for you.

So with that I'd like to turn it over to Lisa. After she is finished, then we would like to open the floor to questions and proceed on from there. Thank you.

MS. CARSON: Good evening. I'm going to run through basically what was covered in the focused feasibility study and the proposed plan that we released here on November 17th. That was almost two weeks ago now, and I know that all the residents got a copy and most interested parties have also seen it; so I'm going to go through it rather briefly so we can have the most time available for questions and comments for the record, which is the purpose of our meeting here tonight.

The public comment period closes on December 8th. I'm just going to repeat that, because that's a very important date, and I'll be happy to answer any questions that you have informally while I'm here. I'll be here also tomorrow.

We have some visual aids, but you can even hear the speech without seeing them because I know it's hard for you guys seated on my right to see. I want to go through just very quickly the process that we had to develop the alternatives, what they are, and why we picked the one we picked.

We had two objectives when we started here, the first one being to protect the health of the residents of the site. We have the finding that there's an imminent hazard to health at the site and we have a temporary relocation program going on, but we knew that we needed something more; so first and foremost we have to protect the health of the residents.

And the second objective is then to gain and keep site access, because there's a long-term plan going on here, and that's eventually we want to clean the site up. We don't want to leave it; so in the future we need to have access to the site, and we need to not be able to disrupt residents' lives while we're trying to do work at the site. So we have two purposes here.

Working under the knowledge that temporary relocation was already being implemented, that gave us a couple of options. The first one is no action. No action is required for us by law, gives us a way to compare our alternatives to nothing, so that we can make a true comparison to how things are now and how they would be in the future.

The second one was temporary relocation; and the third one is some sort of permanent relocation. On that -- on the figure up there you can see we screened out some other alternatives, things like giving alternate water supplies or capping the site or doing something on site, and that's because it wouldn't do the second objective, it wouldn't handle that, which is to provide site access. We need to be able to get there in the future, so we have to protect residents' health. We can protect residents' health sometimes without moving everyone, but we also need to get to the site so we can clean it up, so there were two-fold.

All right. Our three alternatives then are no action, continuing temporary relocation, and permanent relocation of residents.

No action means no further actions are taken at the site. Now, this site is a little bit special in that we're already out there doing temporary relocation, and some of your neighbors have already left the site. They've moved temporarily. So we had to give a time frame by which they would have to move back, so what we said is -- we basically allocated some money to be spent on temporary relocation until April 1990. We go ahead and spend the money we've allocated, we leave them out until April 1990, but then they have to move back; so it's a no action once April would come, because now everyone's back on site just like they were before.

We would monitor the site, and th
costs associated with that. The
alternative is 2,050,000 approxim

that covers the money that we've allocated through April 1990 to continue temporary relocation and then monitoring costs.

The next option is to continue the temporary relocation program, and the most important information under that is how long would people be temporarily relocated. Under just a reasonable worst case scenario, let's say, what we did there is we said, okay, people are on the site, we're still going to have to study the site to see what to do in terms of cleaning it up; so that's a year and a half, and then we're going to have to do some -- some other work to actually clean the site up. So you're talking about two and a half to seven and a half years of clean-up. That's reasonable on a larger site. We have no idea what we would find underneath this site, so we're talking about a period of five to ten years that people would be temporarily relocated, families and people in hotels or temporary apartments, and we thought that was reasonable; and we use that for the basis of our cost estimation.

We would continue to maintain the site; we would winterize the homes; we would have to cut the grass; we would have to make sure that the homes weren't vandalized; and we estimated costs somewhere between 5.7 and $11 million.

The last one is permanent relocation. We realized after being here not very long that Forest Glen people always have opinions, and that there were some options that we would have to consider under permanent relocation; and anybody who's looked through the FS knows that there are four options under there and they're not necessarily mutually exclusive. That means people can go with different options.

Option one was that there might be some people who were interested in keeping the home that they have but simply moving to a new plot of land away from the site that they're at now.

Option B -- that was option A -- option B included EPA acquiring with FEMA the trailer and the land, and the people being moved to a new location with a new structure to live in.

Option C looked at the other end; that is, once we decide whether we're going to buy your house or buy your land, where you're going to go. And that was, do you want to go individually, which is option C, or the famous group relocation, which is option D.

So all those things are included under permanent relocation, and you might pick option A and pick option D. I mean, we have -- you have to pick either option A or B and option C or D; because people have to move and then they have to have somewhere to go.

Now, while the permanent relocation is being implemented, and EPA estimated one year for that to happen, temporary relocation would continue to be offered. That's because we know that there's an immediate health threat, and people need to be able to get out now while the process of moving them is going on.

In addition, the site would continue to be secured as people moved out because we wouldn't want to stop securing the homes while there are people living there. Once the site was completely finished or mostly finished, we would look towards getting rid of the homes, salvaging them, demolishing them, testing them to determine the amount of contamination so that the site is clear.

The title to the land will eventually go to the State of New York by law. The site would be fenced, and then the real work would start, which is cleaning up the site; and that was estimated to cost between 4.2 and 5.3, $5.4 million.

EPA looked at these alternatives, not very many, so it wasn't too hard. We have certain criteria that by policy and regulation we use to evaluate alternatives. The most important one is protection of health again.

The second most important one is that we have to make sure we meet all regulations. We also have to worry about whether or not there's a short-term impact to the community, long-term impacts to the community, the cost of the remedy, implementability of the remedy, and then what the community wants and what the State wants.

We looked at all those things, and it's explained in the proposed plan, and we decided that option C -- excuse me, alternative three, permanent relocation, was the best for this site.

Tonight's meeting is to take comments on permanent relocation and all the other alternatives that were presented so that we can judge what the community wants. We've had lots of meetings at this site, but they were informal. Tonight's meeting is a formal opportunity for comment.

With that I think we're ready to open it up.

MS. SLUSSER: And I must use this this time, right?

MR. McCABE: And please identify yourself for the record.

MS. SLUSSER: My name is Tricia Slusser. I live at 56 Lisa lane. My questions are to

Charlie. I'm going to ask you the same questions I asked you a few weeks ago just so I can have them on the record.

Page 28 of your focused feasibility study, do you have a copy of it?

MR. VOLLAND: Yes, we have a copy.

MS. SLUSSER: First paragraph, I'm going to read you a sentence, and I'd like you to explain it to me: A portion of these relocation assistance payments would then be pooled by residents to finance a new subdivision. Pooled what assets by the residents?

MR. ROBINSON: Well, I see the sentence, but there is no pooling of resources. The amount of money that a resident would have to contribute toward the purchase of a new property, either on an individual basis or a group basis, is basically the same. That would be determined at the time by how much the replacement property costs versus how much the government paid for your property, and -- there there may be a difference, there may not be a difference. I don't know at the time, but whatever rules that are -- the same rules that are used on an individual basis would be used in this group relocation basis for residents making payments either at the time of purchase or closing on a property; and the rule remains the same, that under the permanent relocation it's the aim of the federal government to keep everybody -- everyone in the same economic state they were before the program came. You're not supposed to be in any worst state and you're not supposed to be in a better state.

MS. SLUSSER: So the mortgage that I have now, when we move, and this is all over and done with, is the same mortgage I will have when we're done?

MR. ROBINSON: That's the idea. I don' know what mortgage you have now, but tha why we speak of it in general terms economic condition. There migh things that contribute to yc economic state that, when it w move, you'd still be in the same economic state. I don't know, I can't say that it would be right to the penny one way or the other on your mortgage or whatever.

MS. SLUSSER: Okay. As you know, I rent my land and own my trailer. Can I use the twenty-two-five -- can that be used for land if I moved into a group relocation situation? I think that was one of the questions I asked you that you said it would have to go to the contractors.

MR. ROBINSON: Well, the $22,500 limit on relocation assistance is what you're referring to.

MS. SLUSSER: Yes.

MR. ROBINSON: That $22,500 is used for a number of things. In there there's a -- money that's provided for such things as moving expenses, what we call cost incidental to purchase; that is, having title search in your new property. And there is an interest differential payment.

UNIDENTIFIED PERSON: I can't hear.

MR. ROBINSON: And there's an interest differential payment, if needed; and what I mean by that, you say you have a current mortgage. I don't know what the interest rate is --

MS. SLUSSER: 12.

MR. ROBINSON: -- on the mortgage, but this payment is used so that the interest rate on your next mortgage isn't any higher, okay? And there can be what we call replacement housing payment also, and that's a payment that may be required in some instances to make up the difference between the house we buy from you and the replacement house you get, if the two are comparable.

So the $22,500 is a maximum amount of money that's available. It is not the amount that everyone receives.

MS. SLUSSER: Right.

MR. ROBINSON: It varies.

MS. SLUSSER: But because I do not own my land, if I went into group relocation, would part of that money be able to be used for land, because I do not own mine now?

MR. ROBINSON: Well, under -- the idea of group relocation, what we were talking about, the building of roads, the purchasing of land, that generally is not a cost that would fall on the homeowners, so that -- I mean, so the answer to your question is really the twenty-two-five wouldn't apply, because that's not a cause that you would be generally faced with.

MS. SLUSSER: Okay. Can you also tell me how long the appraisal process will take in months, years, whatever it's going to take? How long will the appraisal process take before I get an offer?

MR. ROBINSON: Before you get an offer? I think once it starts, it could take up to three months. I think that's what my estimate --

MS. SLUSSER: Is that a maximum or minimum? Did you say that was a maximum?

MR. ROBINSON: Well, basically it takes -- I mean, here's the outline that the contractors use to judge their work. They generally, when they're -- as you know, I told you that our contractor will subcontract for appraisals. When they ask for an estimate of price for doing the work, they generally, as a rule of thumb, give the subcontractors 45 days.

Now, they don't always take their entire 45 days, but they can't come right down to the time, so they generally give them 45 days. Once they -- and then, on top of that, after the appraisals are done, the contractor has to review those appraisals; so we have an appraisal, and we have the appraisal reviewed by the contractor's person who we call review appraisal, and that's to ensure that the appraiser meets the standards as set forth in the document I think that some of you already have.

MS. SLUSSER: Yes, I haven't had a chance to read it.

MR. ROBINSON: Well, that's the thing, and he's making sure it's a good appraisal;

and if it is, then it's finished. I mean, there's always cases, and hopefully it will be low, we always hope that there won't be too many send-backs, that is, where the review appraiser sends it back to the appraiser to correct mistakes or whatever might be wrong with it. Sometimes that happens, but generally it's 45 days, two weeks to three weeks for review; and if nothing's wrong, then we have the basis on which to make an offer to buy, just compensation for the property.

So if you add that in, we're in the area of 60 days before we get to the stage where we're in a position to make an offer to purchase, generally, okay? And so what happens is, also, there are other -- they're not doing one appraisal at a time.

MS. SLUSSER: No.

MR. ROBINSON: So, I mean, there's a number of things happening at the same time.

MS. SLUSSER: Okay, and I also just want to make the statement that I am for group relocation, and I do not believe I will take anything less. Thank you.

MR. WILLIARD: My name is Willis Williard. I live at 63 Lisa lane. You were asked a question, I forget which gentleman it was, but was asked a question the last time, mobile means moveable. Now, my home is not moveable, because there's a porch on it and it is attached to it, it's considered a home, not as being appraised as a mobile home.

That question was asked here the other meeting, and there was no answer to whether it would be appraised as a home or as a mobile home.

MR. ROBINSON: I remember the question. I think my answer then was, and it's going to have to be now, also, that when the appraiser comes to appraise it, they will be doing it based on what the State identifies it to be, the local rules. If the local rules say it's a home, then it will be appraised as a home.

MR. WILLIARD: Okay, thank you.

MR. ROBINSON: I can't -- you know, I'm not sure what the appraisers will find out when they come to appraise, but it will be done by the local rules, or the State rules rather.

MR. WILLIARD: Thank you.

MR. SCHUECKLER: Good evening. My name's Chris Schueckler. I live at 31 Lisa Lane. Of course, you know I'm going to get on camera. The first thing, I'd like to commend the government, when this whole thing started, I ranked this government as being the lowest in the world with all the red tape and, like, rumors going back and forth.

When I was handed that feasibility study last -- beginning of, I think it was this month, I'll tell you, it opened up my eyes that this government really does seem to be for the people.

Now, to follow through with that, as far as all the promises that seem to have been made, it would delight myself and I think all of my neighbors immensely, I am very much for the group relocation; and since this is on the record, I'd like to state that, once again, the security aspect that all of us feel as moving as a group, we feel that we can move as a group, we can leave our doors open like we have in the past, go shopping, come back in two hours, and nothing's going to be missing from our homes because we have watch dogs living next door to us either side.

I'd like to commend the government panel and all the people from EPA and FEMA for a lot of work that I know you've done. These last few months you really have rushed things along and told us back in July a year or two, a year and a half, to get on the national priorities list; and four and a half months later, maybe by a little prodding by us, got it to be a little bit quicker than that. But I'd like to commend you people on that, and hopefully in the upcoming months we can get together and meet on this group relocation issue and hammer the differences out, and at this time next year sit down in our new homes and have you people in as our guests.

Thank you very much.

MR. McCABE: Are there any other questions or comments or concerns? Well, if no one else --

MS. SUMBLER: Helen Sumbler, 17 T Mark Drive.

I'd just like to say that I am definite for group relocation, and I'm not going nowhere unless you give it to me.

MR. McCABE: Are there any other comments?

MR. FREIERMUTH: Good evening. My name is Terry Freiermuth, I live at 12 Carrie Drive, Forest Glen.

I was reading your focused feasibility study. Your first alternative, no action, is completely ignorant of the situation that we have. If you were to do no action on this site, you would be putting every life that is in there in jeopardy in the near future, maybe in the -- further in the future.

The group relocation is a viable option. It should be considered, but the other options that should be considered are the single people that want to move on their own to a separate house.

I believe permanent relocation is the only viable solution you have for this area to minimize the exposure that these people have to the chemicals, at which time I feel that should be expedited, that the ROD should be signed as fast as possible and shouldn't be dragged out over the next half a month or month or two months down the line that the EPA usually does.

I was also told this evening that nothing can be done until the State has their compliance for their future storage of hazardous wastes in position and that is signed. That shouldn't make any difference. If that's going to put us in a site that we're going to be sitting there for the next two years while we are waiting for that to come about, you are endangering our health and our welfare of everyone in there.

I feel that as soon as the ROD is signed, that the buy-outs or the group relocation at that time be put into motion as fast as possible. Even though you have expedited the time on getting us on the NPL, you still are not moving fast enough for my sake, the children's sake, or the people there. You have to move a lot faster. These people don't need to be exposed to the chemicals any longer than what they are.

The only solution I see is permanent relocation for everyone. If that means group or individual, they should have that option, and it should be presented to them as soon as possible.

Thank you very much.

MR. McCABE: Okay. Terry, I'd like to respond to your comments in the order you gave them.

First, you disagreed with the no action alternative. Well, so do we. However, as Lisa pointed out, by law we have to present that as one of our alternatives so we have a point of comparison. So we agree it's not a good alternative, and that's why it's not being chosen.

You mentioned that group relocation is a good idea but you want individual relocation included in there, and that's exactly what we've done. The third alternative is a combination of group and individual relocation, so I believe we're satisfying that concern.

You have another concern about the record of decision, that you feel that it's being delayed too long. Well, the public comment period does not close until December 8th. We then have to finalize or prepare -- I should say prepare, a responsiveness summary. We're giving ourselves a week for that, and we're still hoping to finalize the ROD by December 15th.

That's a very optimistic schedule, and I'm still pushing for it, and I certainly hope it will happen; but there's no way that it can be pushed up any sooner than that, because we still have a public comment period open, which is why we're here tonight, to receive input from the public.

MR. FREIERMUTH: Are you going to guarantee December 15th for the ROD?

MR. McCABE: I'm not going to guarantee anything.

MR. FREIERMUTH: You can't guarantee it for the sole reason because, as in past times, the EPA has failed to meet their deadlines, completely failed.

MR. McCABE: I'll tell you why, but I can't guarantee it, Terry. There's a few things that can happen. Number one, anyone -- a potentially responsible party, one of the citizens, could request an extension of the public comment period. If they request an extension, we automatically grant it. If we automatically grant it, the public comment period remains open for another month. Therefore, we can't sign a ROD in the intervening time. That would be one reason.

Another reason would be if the potentially responsible parties, any of them, were to submit a significant amount of documentation which required our review and comment for the responsiveness summary, we have to answer all comments. Sometimes the responsible parties on the last day submit volumes of comments. I don't expect that to happen in this case, but it might.

If it does happen, we will answer them as quickly as we can, and we will sign the record of decision at that point in time. For those two reasons, and probably a few others, I can't guarantee it. The best I can tell you.

The third -- the fourth item you mentioned concerned the capacity assurance plan. Well, by law we cannot -- we being EPA -- cannot sign a Superfund State contract which is required for this action or for any remedial action, because it provides a ten percent State cost share for this work. We cannot sign that Superfund State contract until the State capacity assurance plan, which is basically New York State's plan showing how that -- how over the next 20 years they're going to handle their waste properly.

Their plan has been submitted, it's under review. We expect to have an answer by January 17th, but by law we cannot sign one of those contracts. I've talked to our regional administrator. He will not sign the contract and even forward it to the State.

What we have done in the meantime is send a draft contract to the State. They have reviewed it, submitted comments to us. We've made the changes, and we're about to, when we get back, write the State a letter concerning it saying, okay, look, we can't sign it, no one is, it's illegal but it's -- get it ready for signature, ready being State, distribute, get it ready with your three agencies.

The State has to sign it with the Department of Environmental Conservation, the Attorney General's office, and the State Comptroller, all three have to sign it. We will be ready to sign it the very day -- we being EPA -- the very day that the capacity assurance plan is approved, I can assure you of that.

MR. FREIERMUTH: Yes, but the very day that they sign that could be 1994. If you people do not agree with the State's capacity plan, this could drag on for years, which means you have temporary relocation for your five to ten years, and everyone's life is in a turmoil.

MR. McCABE: We certainly don't expect it to take any lengthy amount of time. Again, I can't give you any guarantees, although I know New York has submitted a plan which is -- they originally were in a 14-state compact. They dropped out of that compact because they wanted to do it by themselves to show their self-sufficiency; so we believe that it will be approved, or approved with conditions such that we'll be allowed to go ahead with our work.

In the meantime I certainly do recommend that everyone go with the temporary relocation just for that purpose, to protect the public, your public health; but I don't expect the capacity assurance plan will take that long, but I can't guarantee it, no.

MR. FREIERMUTH: No, you can't guarantee how long the capacity assurance plan will be bouncing back and forth. I know with a lot of hazardous waste companies or a lot of chemical companies, just for permit issuance, some of their permits take up to five or ten years before they're even received.

MR. McCABE: They don't need a permit for this plan. It's merely a plan that says how they will go about doing this business.

MR. FREIERMUTH: Right. It's a plan, but if the EPA does not like that plan, they could kick that plan back to New York State and it has to be rewrote which could take another six -- one month, six months, a year, two years, which means that the people of Forest Glen that do not want to leave, that want their group relocation, are going to be sitting in contamination for another summer where the highest exposure rate is at; so that means just because of a law, that these people have to suffer ill health effects from the chemicals.

MR. McCABE: You're presuming that that will happen; and, as I said, since I can't guarantee it, I'm not going to tell you it can't happen. But I did say, and I will say again, that I don't expect it to happen; and my best information is that the plan will -- the plan will be -- EPA will have completed its review at the very latest by January 17.

I expect that it will be approved, but, no, I am personally not reviewing it, so I can't guarantee it, no.

MR. FREIERMUTH: Well, the reason I'm stating this fact is because these people have been told deadlines before, the deadlines have not been kept, and they have hopes of having their assessors out to do their homes and the buy-out to come into effect for the location coming this summer; and if we have a problem with this capacity assurance plan, it's not going to happen this year.

MR. McCABE: Given that the appraisals have not yet begun and the process is expected to take at least 60 days I'd say, I don't expect that the enter -- that the State capacity assurance approval will be a limiting factor.

MR. BARLEY: My name is Bob Barley. I live at 45 Lisa lane.

I will -- I have one question that I would like to ask. In the event -- once we are out of there, do you people have any intentions of redeveloping that Forest Glen and submitting it up for bids for houses again, or are you going to just set it off to the side?

MR. McCABE: We have to do a study of that area, which it's unknown at this time exactly what that study will encompass since we don't know the extent of contamination under the ground.

The study -- a typical study would take in the neighborhood of 18 months to two years. A design would then -- we would then sign a record of decision, just like we're doing for this portion of the project for relocation. A design could then take, depending upon what the solution was, another 18 months; and then you would get into the remedial action which could take -- again, this is a guess -- but another year to 18 months.

So you could be talking about -- you probably are talking about a five-year process. If that process -- there are a couple of directions the process could go. The process could either result in complete clean-up of the site, complete being as a for instance incineration of all the contaminated soil and replacement with clean soil such that it would then be capable of being redeveloped.

On the other hand, the other side of that coin could be that the site would merely be contained for any number of reasons, including the feasibility of incinerating or of treating permanently the soils, the cost of it, whatever. There could be a lot of reasons for [illegible] -- [illegible] be an open forum and everybody will be able to comment on; but if it is contained then, no, we would not be redeveloping the site. We would not anticipate any kind of redevelopment.

MR. BARLEY: I would hate to see another example of Love Canal where the people ten years from now are still going through a procedure to try and -- try and keep toxic wastes placed from going back on the market and redeveloped for people -- for the State to make money to get their money back off of what happened, transpired in the past.

That's the reason I'm asking. I don't like to see that happen again. Those people are still in a turmoil; and it's what, ten years or better since it happened. That should not happen again.

MR. McCABE: We agree. I think we've learned a lot of lessons from Love Canal, and I would hope that it wouldn't be repeated.

MS. SLUSSER: Tricia Slusser, 56 Lisa Lane.

I don't know if you guys can answer this. I think Bill Nelson's going to have to answer this one. I want to know if you've gotten any farther on the health effects of the chemicals that are buried there. I know you don't know a lot about them. I just want to know if you've gotten any farther on them. Where did you go, Bill?

MR. NELSON: Right here. As you know -- I'm Bill Nelson with ATSDR. No, the Environmental Protection Agency did their last round of sampling, and those particular chemicals were the ones that we looked at that we examined and, to the best of my knowledge, no further sampling will occur until after all the residents are out.

So as far as our health evaluation is concerned, and in terms of the types of chemicals and our knowledge of the degree of chemical contamination that's there, we have not done anything more because we do not have any more information about the chemicals.

Since I am indicating that, I would like to call to your attention one thing; actually two things. When I first stood up here and we discussed -- well, better yet, when I first stood up here and we were talking about how severe the issue was, the issue of times came up a lot; and I want to indicate that I didn't think -- if you would have bet me two months or three months or four months ago that Forest Glen would have been on the NPL list, I would have bet against it.

And I do think that EPA and FEMA and yourselves, as well as our health agency, did really an outstanding job of getting this site listed on the NPL. In fact, I think it's probably the fastest any site has ever been listed on the NPL in history.

At the same time, I want to recall your attention to the issue of our health advisory. We did very clearly state that this was a significant and imminent and immediate health threat, and that's why you are being relocated. This is why you are being temporarily relocated.

It disturbs me quite a bit to stand up here and listen to people voice complaints about how long these things might continue taking. I think you're getting an idea from the people from FEMA, as well as from EPA, that this is not going to be a short-term process; and regardless of whether you are actually going to be allowed group relocation or not, your health is important. And it's your decision to stay at Forest Glen at this particular point in time, and it's you, yourselves, right at this particular point in time, that are putting your health in more and more danger the longer you stay there; and as a health person, I think that it's necessary that I mention that.

Thank you.

MS. SLUSSER: Thank you, Bill. Okay. I have one more question to Bill McCabe. What's happening with the companies that did the dumping? Have you gotten any farther with them, are you doing anything with them?

MR. McCABE: EPA is currently negotiating with some of the companies. The negotiations are, of course, confidential; but those negotiations are for the temporary relocation. We have not yet opened full-scale negotiations with that whole laundry list of companies that you see in the various reports because we don't have enough information on the various chemicals; and we will be getting that information when we do the full study, and at that time we would again go after those companies. But we are negotiating, as I've been informed by my enforcement counterparts, that the negotiations are proceeding pretty well concerning this group relocation option.

MS. SLUSSER: Thank you.

MS. RYCHEL: Tony Rychel, 4 Carrie Drive, Forest Glen.

I got one question. I have something to tell you as well. I took a temporary relocation. We've been gone two and a half months. In that two and a half months my son's headaches have stopped, his sick cough that he had has stopped. His daily nosebleeds that he's had since we lived there have stopped. It's going to be a cold day in hell before I move back to Forest Glen. When are the appraisers going to be there?

MR. ROBINSON: As I said earlier, our contractor expects to have bids in from the group that she sent the information to. Supposedly all of them have come by Forest Glen to see what the job is so they could make estimates. She expects to have them back, her word to me Wednesday, was any day; so hopefully she'll have them next week, and hopefully she can make a selection as quick as possible and have them on board for doing the appraisals. As soon as she hires them, then they can come to start appraisals at Forest Glen.

Now, as I mentioned at the last meeting, the first thing that they have to do in doing appraisals is to put together what they call a comparable book. It's a reference book that they compile of comparable properties to the ones in Forest Glen in the area; and once they have that, I think -- well, that's the basis on which they can start making appraisals. They will contact each home owner before coming to make the appraisal to give you an opportunity to accompany them when they do it.

I encourage you to do just that, to go with them to -- and that ensures or helps ensure that they don't miss something when -- if they do it by themselves, you know, if you're not there with them when they do it.

MS. RYCHEL: They can't get in my house unless I'm there anyways. No one has the keys but me.

MR. ROBINSON: So when they contact you, I encourage you to accompany them on the appraisal, particularly if they need -- they're not going into anybody's house without them being there, number one, but I would encourage you to accompany them when they do it.

MS. JANICKI: My name is Dottie Janicki, and I live at 19 T Mark Drive.

I'm all for group relocation 100 percent. I am very secure with the neighbors. I live alone with a daughter. My mother-in-law lives a few doors away. She's by herself. The security is there, and this is what we want to continue with our whole group.

MS. FREIERMUTH: My name's Kathy Freiermuth, and I live at 12 Carrie Drive in Forest Glen, and the only comments I wanted to make were on the estimates for the value of the mobile homes. I'm sure that everyone will agree that we felt they were much too low, and since we are on the record I want to make that comment.

Also, there was a part on page 31 on table 5-4 where it mentions the acquiring of land only at $3,200 per lot. I believe the last lot in the development went for almost $10,00, so I think that's very unrealistic.

The other comment I wanted to make was on one of the options would be on possibly moving the mobile homes to a new site, and that's totally not feasible. Most of the mobile -- there are a few that could be moved with no problem, they're newer mobile homes. Most of the mobile homes in there are almost 20 years old and have additions put on them; and my own home, in particular, is just like a three-bedroom ranch. There's no way you're going to move it. Walls are gone and everything else. I don't know how you're going to do it, you know, if you thought you would; but I just wanted to make those comments since that was one of the options. Thank you.

MR. McCABE: Yes. The estimates are there just for that, for comparative purposes. They apparently are -- we've heard from a number of folks -- they apparently are a little low. I think we're raising them in the record of decision, but be assured that those numbers really don't matter when it comes to your appraisals. That's the -- FEMA will take care of that. They don't care what our estimates say, and whatever they say is what we're going to -- is what we're going to be funding.

As far as moving the mobile homes, that is an option we're offering, not requiring. If you're not interested, that's -- that's fine.

MR. FREIERMUTH: Terry Freiermuth. Mr. McCabe, on the movement of existing mobile homes, that option should have never been put in there in the first place because there was contamination found in the homes; whether it be minute or not, it was found in the homes.

As far as I'm concerned, I wouldn't want to take my home with me. As far as trailer parks are concerned that I have talked to, they don't want our homes at all. That option should have never even been put in there. It's not even feasible; wasn't even worth the paper to write it on.

Your acquisition of real property, the values, I hope none of these people come in and take your first offer because reasonably I know what it will be, if it's anything out of this -- this focused feasibility study you have here. I hope the people stick together and get what they want. They deserve it after living on what they've lived on.

Like I said before, the only thing I see that we're going to have a very serious problem with is the State's capacity assurance plan, and I hope that won't hinder the moving of these people, because they deserve to be moved as fast as possible into their group relocation if that's what they want or into permanent dwellings, be it single or group.

MR. McCABE: We left in the option of moving your own mobile home because enough people expressed interest in keeping just what they had, and we also had some input from our headquarters office that said you should include that as an option. It's merely an option. We're not -- we're not trying to force it upon anyone, and we think that there may be one or two who are interested; and if that's the case, then it's worthwhile having in there. If not, it was just an option that was rejected.

As far as the estimates, again, I say, if they're low, that won't affect the price that the appraisers come up with. That's a completely separate process from these estimates. These are here for comparison sake.

MS. SLUSSER: Tricia Slusser, 56 Lisa Lane.

I have here on page 32 that all of these -- what do you call them -- these costs here, they include the cost of acquiring both land and home. Now, does that mean that you're going to do the land and the home as one -- as a whole, or are they going to be done separately, that the appraisers do?

MR. ROBINSON: We will be appraising whatever the home owner owns. If they own just a mobile home, and that's all we're going to buy, then that's what we're going to appraise.

MS. SLUSSER: Yes, I know that.

MR. ROBINSON: If you own the land and

the mobile home --

MS. SLUSSER: If I own the lot and home, are they appraised separately?

MR. ROBINSON: They should be appraised together as one unit.

MS. SLUSSER: As one unit. I don't like it, but okay.

MR. FREIERMUTH: Mr. McCabe, can we get a copy of these proceedings for everyone in this room?

MR. McCABE: The transcript?

MR. FREIERMUTH: Transcript or whatever.

MR. McCABE: Sure.

MR. FREIERMUTH: It should be public information.

MR. McCABE: Oh, it is, it's public information.

MR. FREIERMUTH: Every one of the residents should have it or everyone that signed in should receive a copy of it.

MR. McCABE: Sure, no problem.

MS. SLUSSER: No problem, right?

MR. SCHUECKLER: My name's Chris

Schueckler, 31 Lisa Lane.

I'd just like to add to the thing on the appraisal part. Back in early '76 when I moved in, my corner lot cost me $5,300. The lot behind me that I purchased about three years later was $4,600. Now Mr. Sottile, the developer, sold the last few lots in there for ten grand. My two lots are for sale for ten grand apiece and not any cheaper than that, and I just want to put that on record that I do not intend to get anything less for what I have, just land-wise, than the developer did, whether it comes to light that there are chemicals underneath it or not. That's irrelevant as far as I'm concerned, because I did not put these chemicals there. Mr. Sottile got $10,000 per lot. I would intend to get $10,000 just for each lot that I have.

Thank you.

MR. BARNETT: My name's Clarence Barnett. I live at 24 T Mark Drive.

Mr. Sottile owns the lot right next to me. Previous to the time that this thing started, the lot with a trailer was for sale. I called Mr. Sottile, asked him how much -- if he wanted to sell the lot, first of all; and he said, no, he hadn't even thought about it. I said, well, how much would you ask for it if you were going to sell it. He told me $15,000 is what he wanted for that lot; and I think every lot in there is worth that.

And another thing I want to say now that I'm up here -- took a little courage to get me up here since I don't speak too well in public. I get mad at times. Here you guys are setting here telling us all this stuff about how much money you're spending, not doing anything except spending the money, some $20 million, when it's about six million to relocate the whole damn trailer on another piece of ground, haul sand and all.

But I'll tell you one thing, I'm all for this permanent relocation in a group; and I'll tell you right here and now, I'm standing here, I told you at the outset of this thing, I will not move from Forest Glen unless I get exactly what I wanted, and the thing still stands. I mean what I say, I will not move. If it takes violence to keep me there, then that will be bound because I'll be there; but you're going to have to come up with some money. Get me in another house if you want me out of there. If you don't want me out of there, set back and do nothing like you're doing.

MR. McCABE: Are there any other comments? If not, then we'd like to thank you very much for your input. Everything will be considered, and I think we've -- this is just a conclusion for now for the record of decision of a fairly extensive comment period. I don't think we've had any major changes tonight; but, again, thank you very much.

(Hearing concluded at 8:45 p.m.)

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STATE OF NEW YORK)
ss:
COUNTY OF ERIE)

I DO HEREBY CERTIFY as a Notary Public in and for the State of New York, that I did attend and reported the foregoing hearing, which was taken down by me in a Verbatim manner by means of Machine Shorthand. Further, that the hearing was then reduced to writing in my presence and under my direction. That the hearing was taken to be used in the foregoing entitled action.

Joan M. Met
JOAN M. METZGER, C.S.R.,
Notary Public.